



Stepping Up to Meet an Increasing Need in Multnomah County

by Julia Olsen
Regional Director, Legal Aid Services of Oregon

Times are tough for low-income communities. Multiple indicators make apparent that low-income communities in Multnomah County (and Oregon) are in crisis. In the last five years, the poverty population has increased by more than 30,000 people. According to the most recent American Community Survey five-year estimate, 136,346 people now live in poverty in Multnomah County.

Notably, deep disparities exist between communities of color and white communities across the board such as income, rates of home ownership and neighborhood choice.

Communities of color are overrepresented in the poverty population. For instance, 41% of Latinos, 46.8% of African Americans, 43.5% of Native Americans and 32.6% of immigrants and refugees live at or below 125% of the poverty level as compared to 19.6% for those who identify as white. Overall, almost one in four children in Multnomah County are living in poverty.

Other factors are at play. Portland's housing crisis has had a devastating impact on low-income families and communities. As rents have skyrocketed, the poor continue to be uprooted from their homes. Many have been forced outside the central city to East Multnomah County. Others are homeless. Those forced to move must enroll their children in new schools and find themselves in neighborhoods of fewer opportunities, further from jobs, health care, day care, and grocery stores. Loss of housing can lead to a cascade of other problems such as missed school for children, loss of employment and general instability.

The highest poverty rates in the county are concentrated in East Portland. One indicator is the number of students who qualify for free or reduced hot lunch in school districts. For example, in the Portland school district, 38% of students qualify for free or reduced hot lunch; at David Douglas and Reynolds Districts, both in East County, that number jumps to 76%. The neighborhoods with the highest poverty rates are also areas that have high percentages of people of color including immigrant and refugee communities.

The crisis is marked by an overwhelming need for affordable housing. When the Section 8 voucher application process last opened for five days last fall, 16,000 households applied. Only about 2,000 made it onto the waitlist. After only a few hundred names had been pulled (by lottery) in March of this year, Home Forward, Portland's housing authority, froze the list due to fear of decreases in federal funding. Limited availability of housing puts our clients into positions where they may be forced to tolerate discrimination, unsafe or uninhabitable living conditions for fear of losing their housing altogether.

The housing crisis hits low-income households the hardest and disproportionately affects communities of color. According to the Portland Housing Bureau's State of Housing in Portland report, released at the end of 2016, for the average Latino, Black, Native American,

and single-mother household, there are no neighborhoods in the city where they can afford to rent. Communities of color also experience disproportionately low homeownership rates compared to white households.

The homeless population has jumped 10% in the last two years despite serious public investment by the city and the county. Half of women experiencing homelessness have been in domestic violence situations and people of color make up more than 40% of the homeless population.

Legal Aid Services of Oregon (LASO) represents individuals who are generally at or below 125% of the federal poverty level. That means that an individual must earn less than \$1,256 a month to qualify for legal aid's help. The number of people eligible for legal aid help in Multnomah County is approximately 172,500. The Portland Regional Office of LASO also serves Clackamas, Sherman, Hood River and Wasco counties. The total number of eligible clients in the five-county region is approximately 236,000. Legal aid resources have not increased proportionally to the growing poverty population. Statewide, legal aid programs meet less than 15% of the legal needs of low-income Oregonians. Put another way, based on legal aid's staffing statewide, there is one attorney for every 8,500 who are eligible for legal aid help.

LASO strives to respond to the changing needs of our client communities. We listen to our client communities, the bench and bar and organizations who work closely with our clients in order to best prioritize legal issues. Not surprisingly, the following were ranked highest by almost everyone surveyed: access to safe and affordable housing, safety from violence, and employment problems. When clients were recently asked what kept them up at night, a few common themes emerged: keeping their children safe and fears related to abuse by an intimate partner, threats of violence, eviction, inability to afford rent, and having to move again.

Helping families maintain safe, stable housing has long been one of legal aid's highest priorities. Approximately 31% of legal aid's work involves housing issues, and the volume of calls for this type of assistance has increased dramatically. Last year, legal aid in Portland helped about 900 clients in housing matters. Lawyers provide legal representation that addresses housing discrimination, anti-displacement, the preservation of multi-unit affordable housing complexes and mobile home parks and habitability cases that involve disparate health effects. In addition, legal aid provides eviction defense and foreclosure prevention work.

In response to the housing crisis, the City of Portland has also funded two positions for the next year to focus on anti-displacement work with an emphasis on insuring that communities of color and those most affected by the housing crisis remain in stable housing. In addition, LASO continues to work on a range of high priority issues such as domestic and sexual violence, employment discrimination, health care access and consumer issues. The growth of the poverty population - and notably the issues that disproportionately affect communities of color, immigrant and refugee populations and other vulnerable groups - highlight the importance of pursuing strategic advocacy and litigation to effectuate

Continued on page 2

...there is one attorney for every 8,500 who are eligible for legal aid help.

...136,346 people now live in poverty in Multnomah County....

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mba|EVENT

Multnomah Bar Association Absolutely Social

The Grape Escape featuring Wine Tasting

Tuesday, October 17
The University Club
5-7 p.m.

Drop in after work and catch up with friends and colleagues.

See insert for details and to RSVP.

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mba|CLE

To register for a CLE, please see p. 6 or visit www.mbabar.org and log in as a member to register at the member rate.

OCTOBER

10.3 Tuesday
Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work
Alix Devendra
John Grant
Kimberly Pray

10.17 Tuesday
Elder Abuse Reporting
Judge Katherine Tennyson

10.18 Wednesday
The Ethics Workshop
Nellie Barnard
Dayna Underhill

10.24 Tuesday
Common Probate Mistakes in Wrongful Death, Survival Actions and Claims for Minors
Brooks Cooper

10.26 Thursday
Clark County Court Update
Judge David Gregerson
Doug Foley
Leslie Johnson

NOVEMBER

11.1 Wednesday
Child Abuse Reporting
Kasia Rutledge

11.14 Tuesday
Appellate Update
Judge Cheryl Albrecht
Judge Scott Shorr

11.15 Wednesday
Effective and Ethical Ways to Deal with Impaired Litigants
Brett Callahan
Harry Dudley, Psy.D.
Mark Johnson Roberts

DECEMBER

12.5 Tuesday
Rights of First Refusal, Rights of First Opportunity, and Options
Amy Geerhart
Jeff Tarr

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Multnomah Bar Association
620 SW 5th Ave Suite 1220
Portland, Oregon 97204
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Fax 503.243.1881
www.mbabar.org

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The *MULTNOMAH LAWYER* is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

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Editor: Guy Walden

Advertising: Ryan Mosier

Design: Cyrano Marketing Solutions

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Stepping Up

Continued from page 1

broad changes in the systems that affect low-income communities. Legal aid balances this work with representation of individual clients on high priority legal issues that ensure their day-to-day safety and welfare.

The ever-increasing size of Multnomah County's poverty population as well as the complexity of its legal needs require, now more than ever, the assistance of volunteer lawyers. For decades, LASO has stretched its limited resources through our vital partnership with the MBA. Our pro bono programs are a crucial component of our long-standing model of meeting the legal needs of our low-income clients by increasing access to justice. Clients literally depend on Multnomah County lawyers.

The true strength of the program lies in the dedication of its volunteers. In Multnomah County, legal aid is extremely fortunate to have a deep pool of attorneys, currently 560 strong, who volunteer for one of our many clinics or who pick up cases through our pro bono listserv. Multnomah County lawyers

consistently take time away from their busy jobs to provide high-quality representation to clients with critical and ever-changing legal issues. Last year, volunteer lawyers handled 270 cases ranging from representation in restraining order hearings, bankruptcy, expungement, housing, consumer, wills, tax and foreclosure defense to assisting clients prepare to file their own divorce.

LASO tremendously values its partnership with the MBA. As our pro bono programs evolve to meet the shifting legal needs of our clients, the ongoing involvement and commitment of volunteer lawyers is critical. Lawyers providing representation are often the last hope for many clients seeking critically needed legal assistance. Now more than ever, our clients need your help. Volunteering can provide concrete, meaningful impact on the day-to-day problems faced by low-income communities.

For more information about the pro bono programs offered or to volunteer, contact Jill Mallery, jill.mallery@lasoregon.org, or Erin White, erin.white@lasoregon.org, or contact the LASO Portland Regional Office at 503.224.4086.

Pro Bono Fair Thursday, October 26 Free CLE Seminar Details

Changing Lives Forever: Reform, Relief and Redemption for Juveniles, 3-5 p.m.

In the mid-1990s, many states, including Oregon, enacted tough-on-crime laws, including mandatory minimum sentences, waiver laws and sex offender registration laws. Oregon enacted far-reaching registry laws that treated juveniles much the same as adult offenders. Adults and juveniles were required to register upon a conviction or adjudication based upon a long list of offenses, including felonies and misdemeanors. Registration was automatic and was for life. Some changes have occurred since then. Juveniles no longer have to register for misdemeanor offenses. Those who are required to register no longer have a three-year time limit to apply for relief from this lifetime obligation. And, starting in 2015, courts have taken a more active role in determining whether youth in the future have to register at all. Nonetheless, Oregon still has more than 3,000 people on its registry who were adjudicated as juveniles.

Attorneys from Tonkon Torp, joined by pro bono attorneys from other firms, are working to help those still on the registry, some after a decade or longer, petition the court for relief. Changing Lives Forever, or CLiF, is the project developed as a partnership by Tonkon Torp and Youth, Rights & Justice. Attend the Pro Bono Fair for a free CLE seminar on juvenile registration and relief and be inspired to change lives forever by Tonkon Torp partners **Gwen Griffith** and **Jon Stride**, as well as YRJ executive director **Mark McKechnie**.

Expanding Horizons: Pro Bono Opportunities and Ethics for New Lawyers, 3-5 p.m.

This seminar is a straightforward look at how new lawyers can incorporate pro bono service into their practices, whether it is a solo practice or practice in a firm. According to organizers **Florence Mao** and **Eric Pickard** of the MBA Young Lawyers Section, getting involved in pro bono work has never been more rewarding or more necessary. New lawyers can "get their feet wet" and help Oregon's underprivileged citizens who are most in need. Panel speakers will share their experiences and help new lawyers navigate the ethics of pro bono representation. This CLE will provide the practical tools to continue Oregon's strong tradition of providing free and inexpensive legal services to the underprivileged.

Legal Remedies for Immigrant Families, 2-5 p.m.

Legal Aid Services of Oregon and Catholic Charities are teaming up to present this three-hour CLE, which will provide an introduction to immigration law, an update on the current climate and recent changes in immigration law and enforcement, and family preparedness planning for mixed status families. According to **Erin White**, Pro Bono Co-Coordinator for LASO's Portland office, "we hope that our CLE will be a useful introduction to other possible legal issues facing clients served through our program such as our Domestic Violence Project."

Contact Michelle Lane to register: mlane@osbar.org.

Calendar

OCTOBER

4 Wednesday
YLS and ONLD Drop-in Social

9 Monday
20th Annual MBA Golf Championship to Benefit the VLP
www.mbabar.org

10 Tuesday
November *Multnomah Lawyer* Deadline

11 Wednesday
MBF Social
RSVP to pamela@mbabar.org

12 Thursday
OSB Diversity Section Fall 2017 CLE

OHBA Presents Road to the Bench

13 Friday
Laf-Off 2017

17 Tuesday
Absolutely Social
Details on p. 1

19 Thursday
AILA-Oregon Annual Gala Dinner

20 Friday
OGALLA Annual Dinner and Silent Auction
www.ogalla.org

24 Tuesday
Solo and Small Firm Networking Workshop and Social
Details on p. 10

26 Thursday
OSB Pro Bono Fair

NOVEMBER

2 Thursday
MBF Karaoke Night
See insert for details

3 Friday
Interstate Compact for Adult Offender Supervision Seminar

8 Wednesday
OSB Awards Luncheon

9 Thursday
Youth, Rights and Justice 9th Annual Wine and Chocolate Gala
USDCHS Annual Dinner

10 Friday
December *Multnomah Lawyer* Deadline

16 Thursday
Bench Bar Bagels
Details on p. 13

24 Friday
Thanksgiving Holiday

2017 Pro Bono Celebration and Fair

by Catherine Petrecca
Oregon State Bar

Celebrate all things pro bono on Thursday, October 26 with a fair, three free simultaneous CLEs, a reception and an awards ceremony, all taking place at the World Trade Center in downtown Portland.

Join us as we celebrate the accomplishments of the firms and individuals reporting the most pro bono hours for last year. Bryant Emerson, Barran Liebman, Stoll Berne, and Davis Wright Tremaine are the four firms winning top honors this year. Cheryl Coon (Active Pro Bono), Daniel Meek (Solo Practitioner), Duane Bosworth, (Individual at a Firm) and Diana McDougale (ONLD Member) are all individual winners. They'll be feted by Chief Justice Balmer, OSB President-elect Vanessa Nordyke and others at 5 p.m. during the ONLD Pro Bono Challenge Awards Ceremony and hosted reception.

Three free, pro-bono-related CLE seminars precede the Awards Ceremony. If you're interested in attending, please contact Michelle Lane at the OSB: mlane@osbar.org. Topics this year:

- Changing Lives Forever: Reform, Relief and Redemption for Juveniles

- Expanding Horizons: Pro Bono Opportunities and Ethics for New Lawyers
- Legal Remedies for Immigrant Families

Legal services providers who will be attending this year's fair include Legal Aid Services of Oregon (LASO), Oregon Law Center (OLC), Catholic Charities, Youth, Rights & Justice, the Campaign for Equal Justice, Immigration Counseling Service, Victim Rights Law Center, St. Andrew Legal Clinic and many more. All of the providers will be available from 5-7 p.m. to meet with attorneys and answer questions about their programs and volunteer opportunities.

The reception is hosted by the OSB New Lawyers Division, the OSB Pro Bono Committee, the MBA YLS Pro Bono Committee, LASO and the OLC. Heavy appetizers and small desserts will be available, along with wine, beer and soft drinks.

The ONLD Pro Bono Challenge encourages lawyers and law firms to report their pro bono hours. Those who report the most hours are formally recognized at the Pro Bono Celebration.



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**Michael Yates
Pro Bono Spotlight**

by Erin White
Legal Aid Services of Oregon

Michael Yates was born and raised in Northeast Ohio, what he refers to as “LeBron James country.” He obtained his undergraduate degree from Kent State University and graduated from the Ohio State University College of Law. Michael moved to Oregon and began his career clerking for the Multnomah County Circuit Court with the Honorable R. William Riggs, and then worked at Gevurtz Menashe for 12 years before forming his own firm in 1998, now Yates Family Law PC.

Michael started pro bono service early in his career, volunteering with the night clinic at St. Andrew Legal Clinic (SALC) for several years and serving on their board on two separate occasions. He also accepted cases referred to him by the Volunteer Lawyers Project. Michael began volunteering with Legal Aid Services of Oregon (LASO) in 2000, and has volunteered with its Pro Se Assistance Project (PROSAP) since its inception in 2003. In addition to his pro bono service with LASO, in the last couple of years he has agreed to accept cases referred to him from Multnomah County Circuit Court representing children in custody and parenting time cases. These cases always involve at least one pro se litigant, often two, and Michael sees that having a lawyer involved in the case can make a tremendous difference. Michael serves on the Board of Directors of the Oregon Academy of Family Law Practitioners, and was its 2003 board president. He is also a fellow of the American Academy of Matrimonial Lawyers, active in its Oregon Chapter.

With PROSAP, experienced family law attorneys provide pro bono consultation to self-represented litigants in need of family law legal advice or document review. Clients are expected to bring their family law paperwork, completing as much as they can prior to the appointment. Each time an attorney volunteers, they dedicate two and a half hours to meet with two to three clients. Since LASO’s current tracking system started in 2007, Michael has volunteered consistently, handling 57 cases and donating hundreds of hours of service to help those in need in our community navigate the complex field of family law. Additionally, he has occasionally kept PROSAP clients for full representation. Of PROSAP, Michael says on the surface, it is just filling out forms, but it is more complicated. He enjoys the diversity PROSAP clients bring that he does not otherwise get through his work, and getting to interact with people he otherwise wouldn’t. He sees the burden clients have, noting that most PROSAP clients are domestic violence survivors and also face non-legal issues such as barriers to transportation and access to food. Michael says his PROSAP work makes him more aware of the needs in the community. LASO staff and clients have observed that Michael is knowledgeable, kind, and patient. Furthermore, LASO staff has praised him for his good work with legal aid clients and noted that he has always been willing to help.

“I think pro bono work is part and parcel with professionalism. We as lawyers have a civic duty to give to our community, in modest ways, to help those who can’t afford legal help,” says Michael. He has noticed over the years that the need is now more acute than ever and there is less available to the working poor. For those reasons, he really values organizations like SALC, LASO, and the Campaign for Equal Justice (CEJ).

Michael has had rewarding experiences through his pro bono work. For example, a couple of years ago he took a PROSAP case in which the client had experienced abuse, and although the adverse party was local, there were some issues getting him served. Michael kept the case for full representation and ensured the adverse party was served and out of the home. The client was able to move on with her life, and he saw how grateful she was. Says Michael, “it was a hard decision for her, but a good one, and it felt good being able to help.”

In another instance, Michael received a very pleasant surprise when the daughter (Eileen Keen) of a former pro bono client referred to Michael through the VLP published an article in the November 2015 OSB Bulletin



Michael Yates

titled, “A Thanksgiving Message.” In the article, Eileen explains the impact Michael’s pro bono service had on her life. When she was very young, she and her mother lived in a shelter and her mother did not have resources to pay legal costs in a looming custody battle. “Michael Yates took on my family’s case as pro bono work... Without ever really knowing him myself, he’s been one of the greatest teachers in my life. Michael’s kindness and generosity has meant that I could be raised by my mother. I would have had a very different life if I had been raised by my father and the opportunities I have had to have a good life have all been because Michael stepped in and helped us when no one else would.” The day it was published, Eileen and her mother came to Michael’s office and presented him with a framed copy of the article. It hangs in his office today.

In addition to his pro bono service, Michael is highly respected in the legal community for his professionalism. He was the 2016 recipient of the OSB Family Law Section Professionalism Award, awarded to recipients who exemplify professionalism that exceeds the standards set forth in the ethical rules, demonstrates exemplary relations with clients and the public, promotes trust and respect with colleagues and the public, promotes efficient resolution of disputes, and makes the practice of law enjoyable for those around him. As part of the nomination process, judges, colleagues, opposing counsel, clients, and mentees all provided glowing feedback of their experiences with Michael. Common themes ran throughout, including Michael’s kindness, generosity, competence, professionalism, and integrity. Furthermore, Michael has been recognized as a preeminent family law attorney, highlighted by his inclusion in annual editions of The Best Lawyers in America since 2003, Best Lawyers, Family Lawyer of the Year in 2011 and 2016, and named to the Oregon Super Lawyers list since 2006.

When asked what advice he would give an attorney thinking about volunteering, Michael answers, “You should absolutely do it. I feel it is a professional obligation. I recognize that pressures - to bill time, get more clients, families - can be difficult, but just take one case, a couple of cases a year. Or do PROSAP once every 3-6 months. You just have to be proactive and think about pro bono. The need is particularly acute in family law.”

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Evans Van Buren In Recognition of 40 Years of Service to Senior Law Project

by Jill Mallery
Legal Aid Services of Oregon

"I find that there is a life's satisfaction in providing help." Legal Aid Services of Oregon (LASO) Portland Regional Office would like to recognize a truly dedicated volunteer who has been donating his time to assist low-income seniors for a remarkable 40 years, Evans Van Buren.

Evans is a Portland native, and attended Lincoln High School. He graduated with a Math degree from Whitman College in 1970. Following college, he went into the Coast Guard Active Duty from 1970-72 and served in the Coast Guard Reserve until 1994. Evans attended Lewis & Clark Law School and was sworn into the OSB in 1976. Upon his admittance to the Bar, he signed up for the court-appointed list for criminal misdemeanors and

began a solo practice in 1977. Evans spent most of his legal career as a solo practitioner. Over the years, Evans worked for two small firms, White Sutherland Parks & Allen and Buccino & Uffelman, each for two years. Through his Coast Guard Reserve duty he advised Coast Guard members about wills and powers of attorney documents.

In 1978, Evans heard about a new pro bono project that provided free legal assistance to seniors. He decided to sign up to volunteer with the program for two reasons: to broaden his legal experience and give back to the Bar. Evans explains, "other people volunteer for the Bar through CLE instruction, committees, governance and the PLF. Volunteering for Senior



Evans Van Buren

Law was what I felt comfortable with for my Bar participation." That new project was the Senior Law Project (SLP) and Evans has continued to volunteer on a monthly basis for the last 40 years. His continued participation has made a significant contribution to the program and in the lives of seniors in Multnomah County. Heather Kemper, Statewide Pro Bono Manager with LASO, contributes the success of LASO's pro bono projects to long term volunteers, "the dedication of committed volunteers like Evans are the greatest


contribution to the success of LASO's pro bono programs."

The Senior Law Project is the longest running pro bono program in Multnomah County. It consists of 25 legal clinics a month held at nine senior centers in Multnomah County. In 2016, approximately 900 seniors received legal assistance through the SLP. Volunteer attorneys advise seniors on a variety of civil legal issues, including wills and powers of attorney, consumer issues, and housing. Attorneys meet with as many as six clients for 30-minute appointments at each clinic. Often, the SLP is the only legal service option for seniors; without the SLP seniors might go without legal assistance. Feedback received from seniors includes, "I am very thankful for this program. I didn't have the money to pay a lawyer and needed advice badly. The attorney was wonderful. He listened to me without interrupting showing me respect. Great job," "I don't know what I would have done without the

help received. The attorney gave me peace of mind," and "this is a valuable service, thank you!"

Since 2007, Evans has provided legal assistance to almost 400 clients through the SLP and spent hundreds of hours helping seniors with their legal issues. These numbers are only a small representation of the amount of assistance Evans has provided over the past 40 years. Evans volunteers monthly at Impact NW Southeast PDX Senior Center. When asked why he chose to volunteer with the SLP, Evans responded, "I gravitated to this work through my Coast Guard advise and working with my aging mother on her business and estate plan. I felt one of my attributes to helping seniors was being patient and a good listener." Evans senior clients would agree. LASO receives consistently positive comments and notes of thanks for the assistance Evans provides to his clients. One client wrote, "Evans was very professional and

Continued on page 6



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The MBA will apply for 2 hours of general OSB MCLE credits unless otherwise noted; 2 Washington credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work

Tuesday, October 3, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: Two hours of Business Development credit will be applied for.

In this session you will learn how modern law firms are borrowing from product development and design thinking to create packaged legal services that drive client value and increase firm profit. As part of this hands-on workshop, you'll receive a copy of the Practice Model Canvas and use it to prototype your own productized legal service. The presenters are attorneys **Alix Devendra** and **John Grant**, both of Start Here HQ and **Kimberly Pray**, Catalyst Law LLC. Previously, Alix practiced labor and employment law in San Francisco. John previously had a three-person boutique IP firm that was paperless, cloud-based, and used alternative fee arrangements. Kimberly will speak about how she has incorporated product development tools into her legal practice, which includes taxation, estate planning, and trust and estate administration.

For more information: Call Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, call the MBA at 503.222.3275.

Elder Abuse Reporting

Tuesday, October 17, 2017 - 12-1 p.m.

World Trade Center, Plaza Conference Room

Members \$30/Non-Members \$50

Note: One hour of Elder Abuse Reporting credit will be applied for.

New elder abuse reporting requirements for attorneys - together with an educational requirement - took effect January 1, 2015. **Judge Katherine Tennyson**, Multnomah County Circuit Court, will present this CLE to inform lawyers of their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients.

For more information: Contact Terry Wright, Willamette College of Law at 503.375.5431. For registration questions, contact the MBA at 503.222.3275.

The Ethics Workshop

Wednesday, October 18, 2017 - 2-4 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Note: Two hours of Ethics credit will be applied for.

Join our panelists, **Nellie Barnard** and **Dayna Underhill** of Holland & Knight LLP, for an afternoon workshop discussing ethics and risk management. Panelists will lead attendees in a discussion based on a series of hypotheticals covering issues ranging from advertising to zealous representation, with stops along the way to sort through thorny conflicts problems, mobile lawyering and social media, fee issues, and more. Come ready to discuss hypotheticals and engage in what we hope will be a lively discussion.

For more information: Call Leslie Johnson, Samuels Yoelin Kantor at 503.226.2926. For registration questions, contact the MBA at 503.222.3275.

Common Probate Mistakes in Wrongful Death, Survival Actions and Claims for Minors

Tuesday, October 24, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

This program will address some of the most common misconceptions, errors and issues that arise when a party to an action has died, or when a party is mentally incapacitated or is a minor. **Brooks Cooper**, partner at Draneas & Huglin will address the following in this class:

- Where to file,
- Timing issues for filing and statute of limitations,
- Interactions between civil cases and the probate system,
- Differences in local rules,
- The use of guardian ad litem and personal representatives,
- Practical considerations for pursuing claims, and
- The restrictions and technical rules for settlement and collection.

For more information: Contact Jovanna Patrick, Hollander Lebenbaum et al at 503.222.2408. For registration questions, call the MBA at 503.222.3275.

Clark County Presiding Court Update

Thursday, October 26, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

The 2017 Clark County Presiding Court Update will be presented by Superior Court **Judge David Gregerson** and Vancouver civil litigator **Doug Foley**, with moderator **Leslie Johnson**. This class is designed for anyone thinking of taking cases across the river and at any level of experience. Judge Gregerson will provide valuable information regarding brand new scheduling practices. Mr. Foley will highlight rules and conventions of civil practice that distinguish Washington and local practice from the Oregon state courts.

If you currently practice in Clark County, or have been considering practicing in Clark County, this CLE is a must for you.

For more information: Call Leslie Johnson, Samuels Yoelin Kantor at 503.226.2966. For registration questions, call the MBA at 503.222.3275.

Child Abuse Reporting

Wednesday, November 1, 2017 - 12-1 p.m.

World Trade Center, Plaza Conference Room

Members \$30/Non-Members \$50

Note: One hour of Child Abuse Reporting credit will be applied for.

The MBA presents its annual seminar on attorney child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. **Kasia Rutledge**, Metro Public Defender, will present a lively and practical discussion:

- What are the reporting requirements?
- How do I recognize reportable child abuse?
- What is it that I'm really supposed to do?
- What happens if I make a report of abuse?
- What happens if I don't report when I should have?
- Learn about how cultural diversity may enter into child abuse reporting situations.

For more information: Contact Terry Wright, Willamette College of Law at 503.375.5431. For registration questions, contact the MBA at 503.222.3275.

Appellate Update 2017

Tuesday, November 14, 2017 - 3-5 p.m.

World Trade Center, Sky Bridge Room

Members \$60/Non-Members \$95

Please join the MBA for a two-hour update on Oregon appellate decisions. Multnomah County Circuit Court **Judge Cheryl Albrecht** and Oregon Court of Appeals **Judge Scott Shorr** will present an overview of key decisions from the Oregon Court of Appeals and Oregon Supreme Court from 2017. These esteemed speakers will touch on issues relevant to nearly all practitioners. An absolute "must-see" to wrap up 2017 and prepare for a new year.

For more information: Call the MBA at 503.222.3275.

Effective and Ethical Ways to Deal with Impaired Litigants

Wednesday, November 15, 2017 - 3-5 p.m.

World Trade Center, Sky Bridge Room

Members \$60/Non-Members \$95

Every attorney should be familiar with the challenges, responsibilities, and risks of representation when a client or opposing party suffers from a mental health, cognitive or substance abuse impairment. Learn practical tips and strategies to identify potential difficulties, effectively communicate with the impaired person, and advocate for your clients' interests within the bounds of the ethical and procedural rules. Join panel members: **Mark Johnson Roberts**, Deputy General Counsel at the OSB, formerly in private trial and appellate practice for 29 years; **Brett Callahan**, probate and guardianship attorney with Nay & Friedenbeg, LLC; and **Harry Dudley, Psy.D.**, mental health practitioner with over 35 years' experience, including 27 years of specialization in forensic and clinical psychology. The class will be moderated by **Michael McGrath**, partner at Gearing Rackner & McGrath LLP.

For more information: Contact Michael McGrath, Gearing Rackner & McGrath LLP at 503.222.9116. For registration questions, contact the MBA at 503.222.3275.

Rights of First Refusal, Rights of First Opportunity, and Options

Tuesday, December 5, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

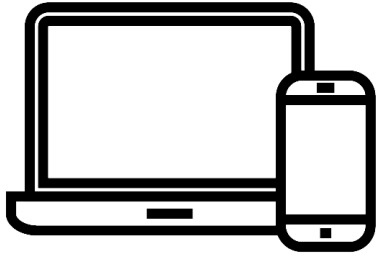
Members \$60/Non-Members \$95

Jeff Tarr and **Amy Geerhart**, business transaction attorneys and members of Sussman Shank LLP's Real Estate and Land Use practice group, will give an overview of various real estate contract rights. Amy and Jeff will also be joined by a non-lawyer real estate professional who will share their insights on the topic.

For more information: Contact Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, contact the MBA at 503.222.3275.

To register for these classes, see page 6.

**TOOLS TO HELP YOUR FIRM
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“Take a Matter that Matters” by taking the **MBA Pro Bono Pledge** at www.mbabar.org/AboutUs/ProBono.html

Add a pro bono policy to your firm’s policies by using the **OSB Pro Bono Model Policy Tool Kit** at www.osbar.org/probono/policy/intro.html

Find **pro bono opportunities** at both the MBA and the OSB websites
www.mbabar.org/AboutUs/ProBonoOpportunities.html
www.osbar.org/probono/VolunteerOpportunities.html

**Help with the
Expungement Clinic
in Clackamas and
Washington County**

by *Lori Alton*
Oregon Law Center

If you work or live in Clackamas or Washington County, volunteering with a local expungement clinic might be your perfect pro bono fit. Many people who have a criminal arrest record or a conviction are seeking to change their lives. They want to work, rent an apartment, go to school and be self-sufficient. However, their records are blocking them from doing this. That is where you can help reduce their barriers to change by providing brief one-time service and document completion for the expungement process.

You do not need to be an attorney with experience in this arena. Training and on-site mentors are available to help you. Legal aid staff workers administer applicant intake, have document packets prepared and set up appointments for you.

Courts recommend the help of an attorney. Applicants need someone to help determine if they can apply for an expungement. They must have fingerprints and criminal background checks run, and they must complete and file the required court paperwork. You can help them maneuver through this complex process with one appointment.

The Clackamas County Expungement Clinic is a partnership between the Clackamas County Bar Association and the Portland Regional Office of Legal Aid Services of Oregon. Clinics occur every other month on Friday mornings at 9:30 a.m. For more information on the Clackamas County Expungement Clinic, contact Erin White at erin.white@lasoregon.org.

The Hillsboro Regional Office of the Oregon Law Center (OLC) has a pro bono expungement clinic called Project SCRUB (Scrubbing Criminal Records to Unlock Barriers). Project SCRUB clinics occur the fourth Friday of every month from 1-5:30 p.m. at the Hillsboro OLC office. United Way provides funding for Project SCRUB, which allows eligible Washington County clients to receive the fees necessary to file an expungement with the court. For more information on Project SCRUB, contact Leslea Smith at lsmith@oregonlawcenter.org.

Your pro bono help can make a huge improvement in a person’s life - take the leap and sign up to help!

Evans Van Buren

Continued from page 4

knowledgeable and he listened to me. He helped me solve my problem. So thankful for his help.”

When asked about his experience with SLP, Evans explains “many seniors just want reassurance that they are making the correct decisions. Some come in with a tangle of problems, which is like a ball of spaghetti. They seem overwhelmed. But, taking things piece by piece, a way to resolution can be found.” That is exactly what Evans has been helping seniors with since the beginning, finding solutions to their legal issues.

Evans encourages attorneys to volunteer and “to participate in pro bono work that fits their personality. It is a way to give back to the community ... lawyers earn their bar membership but it is also a public trust.” Evans’ commitment to helping others is apparent by his length of service to the SLP. Evans explains, “I have been fortunate by my birth, health, education and experience to understand things and have perspective to be helpful to less fortunate. Doing so gives me a feeling of fulfillment.” Over the last 40 years, Evans has provided consistent high quality legal assistance to seniors. He has shown kindness and patience to a vulnerable population in need. Through his service, he has truly made a difference in the lives of so many seniors and the community in which they live. We greatly appreciate Evans’ tremendous dedication.

Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Self-study materials from past CLE classes may be downloaded at www.mbabar.org.

CLE Registration Form

NAME _____	CARD NUMBER _____
FIRM _____	EXPIRATION DATE AND SECURITY CODE _____
ADDRESS _____	SIGNATURE _____
CITY _____ STATE _____ ZIP _____	BILLING ADDRESS FOR CARD (if different) _____
PHONE _____	_____
OSB# _____	_____

Member Status:
 MBA Member
 Non-Member

Payment Options:
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 American Express

Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:
Multnomah Bar Association
620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
503.222.3275 ■ **Fax to:** 503.243.1881

Register online and order or download MBA self-study materials at www.mbabar.org.
Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available.

- 10/3 Legal Services as Products: How to Use Product Development Tools to Design and Sell Legal Work**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/17 Elder Abuse Reporting**
 Class Registration (\$30 Members/\$50 Non)\$ _____
 CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ _____
- 10/18 The Ethics Workshop**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/24 Common Probate Mistakes in Wrongful Death, Survival Actions and Claims for Minors**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/26 Clark County Presiding Court Update**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/1 Child Abuse Reporting**
 Class Registration (\$30 Members/\$50 Non)\$ _____
 CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ _____
- 11/14 Appellate Update**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/15 Effective and Ethical Ways to Deal with Impaired Litigants**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 12/5 Rights of First Refusal, Rights of First Opportunity, and Options**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

Total due\$ _____

Networking

by Ben Cox
MBA Solo and Small Firm Committee

I don't know about you, but for most of my life, I was deathly allergic to the concept of "networking." I'm going to contact people I wouldn't have ordinarily met, just because there might be money in it for me? No, thanks. As a new lawyer, however, I did the things I was told were good, fundamental networking activities - I joined committees, I went to events and CLEs, and just generally made efforts to regularly engage with colleagues. A weird thing happened: over time, I interacted more and more with the people I met in this way whose interests I shared, and who I actively liked as people. I got over the initial awkwardness of those getting-to-know-you conversations. I also didn't really mind if I spoke with someone for a bit, didn't click with them, and more or less parted ways. I would occasionally refer cases to the people I liked, and they would occasionally do the same for me, but referrals were never the

primary focus of the relationship. Now, it is very possible that I'm just slower than most, but after a few years, it sunk in: most of what I thought of as "networking" was simply friendship by another name. Networking wasn't inherently good or evil - it was instead exactly as good or evil as my own motives.

Now that I view networking from a new perspective, it's interesting to consider all the different ways that my fellow solo and small firm practitioners might go about it. To explore that topic, on Tuesday, October 24, I will be moderating a discussion with Gloria Trainor and Charley Gee, followed by a social. The discussion is meant to be a workshop, so we not only hope to see you there, but we also hope to learn what's been successful in your own practice.

See information on page 10 for details on the October 24 networking workshop and social.

Pro Bono Efforts at the Oregon State Bar

by OSB Staff

2017 has brought big changes to the OSB staff helping with pro bono efforts. Cathy Petrecca, who served for nearly a decade as the Bar's Pro Bono and LRAP Coordinator, has moved to a new position with the bar as New Lawyer Programs Coordinator. In her new role, Cathy is continuing to operate the Bar's Loan Repayment Assistance Program while also being responsible for the Bar's New Lawyer Mentoring Program. In her capacity as the primary staff liaison for the New Lawyers Division, Cathy is continuing to be responsible for the ONLD Pro Bono Committee and their annual Pro Bono Celebration and Pro Bono Challenge awards.

The remaining pro bono support activities of the Bar have been moved to the newly created Assistant Director of the Legal Services Program position. These activities include:

- publicizing the Bar's efforts to encourage pro bono work including the ability to earn

CLE credit through pro bono work,

- certifying pro bono programs so corporate counsel, government lawyers, Active Pro Bono status members, and other PLF exempt attorneys can volunteer,
- staffing the OSB Pro Bono Committee,
- coordinating voluntary pro bono reporting and the Pro Bono Honor Roll recognizing lawyers who meet Oregon's aspirational pro bono standard, and
- helping reduce the barriers to lawyers taking on pro bono work.

In addition to working on the Bar's pro bono efforts, the Assistant Director works with the Bar's Director of the Legal Services Program, Judith Baker, and along with Ms. Baker works on the efforts of the Oregon Law Foundation (OLF). The Legal Services Program (LSP) enhances funding for and delivers funding to Oregon's legal aid organizations and maintains the state's standards and guidelines for legal aid. Together with the CEJ, the OLF, and legal aid providers, the LSP helps make sure Oregon has a statewide, integrated system to provide a full set of high quality civil legal services to low-income residents. The OLF works with banks and lawyers to expand funding for legal aid through Oregon's mandatory IOLTA program.

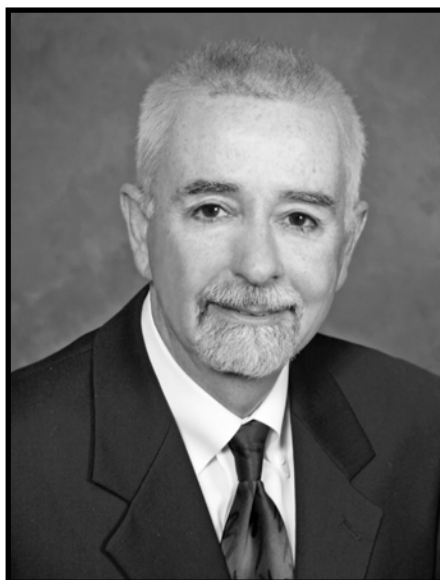
In January, Bill Penn started in the Assistant Director of the LSP position. Bill was formerly the Assistant Director of Administration at Legal Aid Services of Oregon. Previously, Bill spent seven and a half years



Bill Penn

working at Lewis & Clark Law School, where he was the Director of Public Interest Law. Among other work, Bill oversaw Lewis & Clark's Pro Bono Program and helped students stay on the path to becoming legal aid attorneys. Bill is a long-time volunteer with the Classroom Law Project, having served as a coach to Grant High School's mock trial team since 2001.

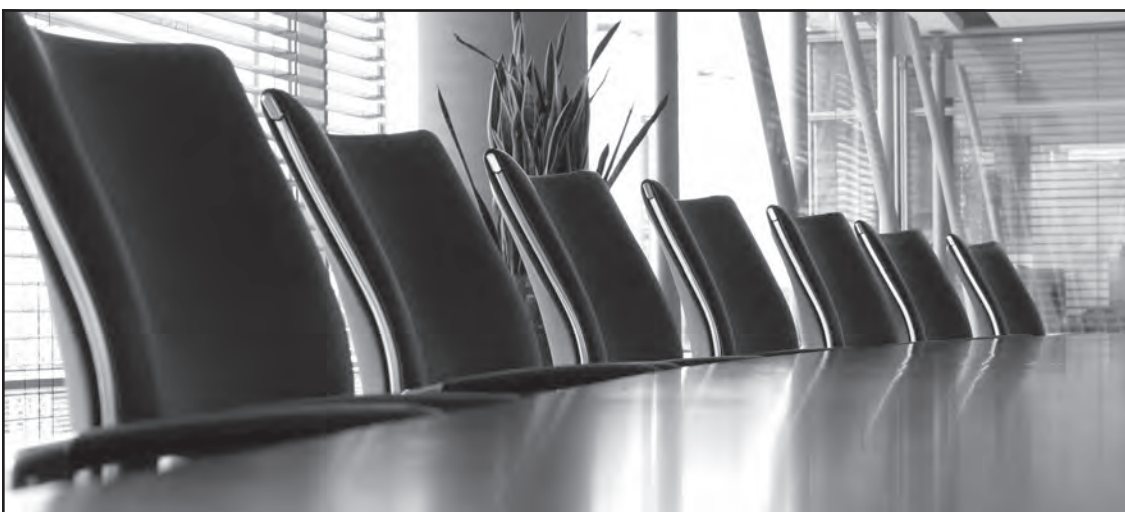
With the Assistant Director of the LSP position and Bill at the Bar, the Bar will better integrate its pro bono efforts with the rest of its access to justice efforts. The rearranging of duties and positions at the Bar means that the LSP and the OLF will have more capacity to take on new tasks. Already, the OLF is developing a comprehensive statewide study of the legal needs of low-income Oregonians, the first such study conducted in Oregon in 17 years. Meanwhile, the Bar has already certified one new pro bono program this year and four more programs are working their way through the certification process. Bill says, "The future of the Oregon State Bar's pro bono efforts is bright. We are excitedly analyzing the results of the pro bono survey of attorneys that happened last spring and we are looking forward to bringing the ABA Free Legal Answers pro bono website to Oregon potentially in late 2018."



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mba | ANNOUNCEMENTS

2018 MBA Professionalism and Diversity Awards Nominations Due November 3

To learn more about the awards and propose a nominee for one or both of this year's award selection processes, please complete and return the nomination form(s) available at www.mbabar.org or contact Kathy Modie at kathy@mbabar.org for more information. Nomination forms are due November 3 to the MBA. The MBA will present the recipients of the Professionalism and Diversity awards at the MBA Annual Meeting on May 2, 2018.

Road to the Bench

You are invited to the Oregon Hispanic Bar Association's fall event, "Road to the Bench: An Evening with Our Distinguished Judges." The event will take place on Thursday, October 12 at Perkins Coie. The event will start at 4 p.m. with a panel featuring Judge Youlee Yim You and Judge Xiomara Torres, and a social will follow from 5-6:30 p.m. Please RSVP by October 9 to Ivan Resendiz at ivan.resendiz@millernash.com.

Free CLE Webcast for MBA Members

The video webcast of the seminar "Great Lawyer, Bad Manager: Avoiding the Most Common Mistakes Lawyers and Law Firms Make as Employers" is available in the Members Center at www.mbabar.org. The webcast is approved for two hours of general OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

Take a Matter that Matters

Sign the MBA Pro Bono pledge at www.mbabar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

Pioneer Courthouse Historical Society to Host a Panel on Internment of Japanese-Americans During WWII

The Pioneer Courthouse Historical Society will host a panel on Thursday, October 26 at 4 p.m. on Executive Order No. 9066 and the Japanese-American Internment. Panelists include University of Oregon Professor Lauren Kessler and Ninth Circuit Judges Edward Leavy, Wallace Tashima, and Susan Graber. This event is free and open to the public and MBA members are encouraged to attend. One hour of Access to Justice CLE credit has been applied for. For more information and to RSVP, visit www.pioneercourthouse.org.

Noon Time Rides

Short fast rides with hills. Meet at SW corner of Pioneer Courthouse Square (Yamhill & Broadway) between noon and 12:10 p.m., Monday and Thursday. Contact: Ray Thomas 503.228.5222 with questions, or meet at start.

Interstate Compact for Adult Offender Supervision Training

This free training provided by the OJD and partner organizations will provide essential information and materials on the Interstate Compact process and rules governing the adult offender supervision. The seminar will be held on Friday, November 3 from 12-1 p.m. at the Multnomah County Courthouse, Room 602. CLE accreditation is pending. For more information, please contact linda.m.warner@ojd.state.or.us.

Deryn Isaac

Meet Deryn, the newest MBA staff member, who joined the organization in July. As Office Administrator, Deryn will be working closely with the Young Lawyers Section and assisting with the CLE program in addition to handling day-to-day administrative tasks.

Originally from California, she earned a BA in Political Science at the University of Oregon. After graduating, she interned with the Iran Human Rights Documentation Center in New Haven, CT and with US Senator Jeff Merkley in Portland. Prior to joining the MBA, she was a legal assistant at the law firm of McCoy Russell LLP.

When Deryn is not working at the MBA, she enjoys the outdoors – camping, hiking and backpacking. She recently backpacked the Siouxon Peak in the Gifford-Pinchot National Forest and reveled in the views of Mt. St. Helens, Mt. Adams, and Mt. Rainier. Deryn likes running and reading in her free time, and



commutes to work by bike. She also volunteers with Homeless Youth Law Clinic, a local nonprofit that provides legal advocacy for youth experiencing homelessness.

We are delighted to have her at the MBA! The next time you attend a class or stop by the office, be sure to introduce yourself.

Deryn replaces Shannon West who left the MBA after obtaining a graduate degree. The MBA currently has five full-time staff members, and has maintained the same approximate staff size for the last 20 years.

mba | EVENT

MBF Karaoke Fundraiser to Benefit the Civic Education Fund

Wednesday, November 2
Trio Club
909 E. Burnside, Portland
5:30-8 p.m.



Let your voice be heard! Join us at Trio Club for a fun night of karaoke, food and drink. Sing your heart out or cheer for your friends and colleagues, have a laugh and raise money for a good cause. Proceeds benefit the MBF Civic Education Fund. For sponsorship opportunities or to register, see the insert in this issue, visit www.mbabar.org, or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org). Tickets are \$30 in advance and \$35 at the door. Tickets are limited, so please register early to secure your spot.



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Ethics Focus

Going Dark When Clients Disappear

by Mark J. Fucile
Fucile & Reising LLP



Although not an everyday occurrence, lawyers occasionally have clients who disappear mid-matter. The reasons are many. In some instances, a client who owes the lawyer a significant receivable intentionally fails to respond to the lawyer's continuing efforts to communicate. In others, health problems may lead the client to move and not leave the lawyer with any forwarding information. Especially with litigation matters and their inexorable deadlines, clients who disappear - whether intentionally or not - can put the lawyer in a very uncomfortable position. In

this column, we'll look at three related questions when clients "go dark:" (1) does the lawyer have continuing authority to act for the client? (2) does the lawyer need to maintain the client's file? and (3) what should the lawyer do if the client still has an advance fee deposit in trust?

Authority to Act

Lawyers are described as their client's agents by appellate decisions (see, e.g., *Sekermestrovich v. SAIF*, 28 Or App 901, 904, 561 P2d 1043 (1977) ("A lawyer acts as an agent of the client.")), statutes (see, e.g., ORS 9.310 ("An attorney is a person authorized to represent a party[.]")) and ethics opinions (see, e.g., OSB Formal Op. 2005-26 at 1 (rev 2016) ("The lawyer-client relationship is based on the law of agency[.]")). As such, lawyers generally have authority to act for a client - if the matter is within the scope of the authority granted to the lawyer by the client. In *Kaiser Foundation Health Plan of the Northwest v. Doe*, 136 Or App 566, 903 P2d 375 (1995), modified, 138 Or App 428, 908 P2d 850 (1996), for example, the Court of Appeals found that a client had vested her attorney with the requisite authority to settle her case and enforced the resulting settlement agreement. By contrast, in *Johnson v. Tesky*, 57 Or App 133, 643 P2d 1344 (1982), the Court of Appeals refused to enforce a settlement where the evidence

was that, although a claimant had authorized her attorney to conduct negotiations, she had not authorized acceptance of the amount the defendant offered.

When a client disappears, the lawyer is often effectively left with no authority to act on the central elements of the representation. OSB Formal Opinion 2005-26, for example, discusses a situation in which a lawyer - with the client's permission - has settled a case and then receives the resulting settlement check payable jointly to the lawyer and the client. The opinion reasons that if the client has authorized the lawyer to negotiate the check the lawyer may do so. If the client has not authorized the lawyer to endorse the check on the client's behalf, however, the opinion concludes that the lawyer cannot. If the client is accessible, the opinion implies that the lawyer should contact the client and obtain the client's authority to sign. But, if the client has disappeared, the lawyer may need to seek the assistance of the court under RPC 1.15-1(e) and OSB Formal Opinion 2005-68 that address disposition of property in a lawyer's possession in which two or more persons (including the lawyer) may have an interest.

Especially in litigation where impending court deadlines may effectively force a lawyer's hand, if, despite the lawyer's

Continued on page 18



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mba|EVENT

20th Annual MBA Golf Championship

Monday, October 9
Oregon Golf Club

This event offers excellent opportunities for visibility, sponsorship and time spent with clients or colleagues away from the office. Your participation will help the MBA reach its 2017 goal to raise \$20,000 for the Volunteer Lawyers Project at Legal Aid Services of Oregon.

Registration is \$275 and includes golf, cart, range, lunch, dinner, contests and door prizes. Contact Pamela Hubbs (503.222.3275, pamela@mbabar.org) to play in this event. 1 p.m. shotgun.



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Around the Bar



Benjamin Lenhart



Megan Reuther

Tonkon Torp LLP

Benjamin Lenhart has joined Tonkon Torp as a partner in its Business Department. Lenhart comes to Tonkon Torp after practicing law at Lane Powell for 20 years.

Lenhart's practice focuses on representing both acquirers and targets in mergers and acquisitions. He also brings considerable expertise in general business, corporate and securities law, business transition preparation and planning, and commercial finance transactions.

He is currently a member (and past chair) of the Executive Committee of the OSB Business Law Section, and recently completed five years of service on the board of Westview Youth Lacrosse.

The firm has hired **Megan Reuther** as an associate in its Litigation Department. Prior to joining Tonkon Torp, Reuther served as a judicial law clerk for the Hon. Erika Hadlock at the Oregon Court of Appeals. During her two-year clerkship, she worked on a variety of civil, administrative, and criminal appeals, including complex business and contract law cases, worker's compensation matters, and free speech issues.



Abby Wool Landon

Abby Wool Landon has joined the firm as a partner in its Estate Planning practice group, the Business department, and the Tax practice group. Landon, who will chair the firm's Estate Planning group, has focused her practice on estates and trusts law for over 25 years. She was



Caroline Harris Crowne

most recently with the Williams Kastner firm.

Landon belongs to the Estate Planning Council of Portland, and is a board member of the Oregon Community Foundation Metro Council and the Better World Club.

Caroline Harris Crowne has been elected to the Board of Governors of the City Club of Portland. She has been active with the nonprofit civic organization since 2005, serving as chair and adviser to several research committees, as a member of the Research Board, and as the chair of a steering committee for events programming on various public policy matters.

Harris Crowne's practice focuses on commercial contracts, business ownership disputes, and accounting issues. She represents clients in federal and state courts, before judges, juries, and arbitrators.



Joe Arellano



Eryn Karpinski Hoerster

Garvey Schubert Barer

Joe Arellano has been appointed Chair of the Attorney-Client Relationships Committee for the American College of Trial Lawyers. Arellano, a College Fellow since 2009, served as Vice Chair of the committee (2015-17) and previously as Chair of the Oregon State Committee (2014-16). His practice focuses on helping clients in complex civil litigation, including securities, commercial and professional liability defense. Arellano also assists clients in regulatory investigations by the

SEC, DOJ, IRS, FBI and their state counterparts.

Eryn Karpinski Hoerster was elected Chair of the Board of Directors of PHAME, a Portland-based nonprofit organization that creates opportunities for adults with developmental disabilities to lead full, creative lives through arts education and performance. Karpinski Hoerster has served as a PHAME board member since 2013. Her practice focuses on helping clients in commercial and regulatory matters, including government investigations, white collar criminal defense, employment litigation and tax disputes.



Bonnie Richardson



Jason Wright

Richardson Wright LLP

Bonnie Richardson and **Jason Wright** are excited to announce that they have formed a new firm, Richardson Wright LLP, where they will continue their full-service litigation and business practices. The firm includes associates Zach Allen, Kirc Emerson, and Jovita Wang - all previously with Folawn, Alterman & Richardson. Both John Folawn and Mike Greene, also previously with Folawn, Alterman, & Richardson, serve as senior counsel to the firm.



Melina Martinez

The firm is pleased to announce that **Melina Martinez** has joined the firm as an associate attorney. Her practice at the firm will include commercial litigation. Prior to joining the firm, Martinez spent a year working as a Judicial Clerk for the Honorable Kelly Skye of Multnomah County Circuit Court.



Layla K. McLean

Buckley Law

The firm is pleased to announce that **Layla K. McLean** has joined the firm as an associate attorney with the Estate Planning team. She will be focusing on estate planning and administration for taxable and non-taxable estates, business law and real estate transactions. Prior to joining Buckley Law, McLean worked for The Consul Group as a contracted attorney and most recently at Douglas Conroyd Gibb & Pacheco PC in Salem.

Barran Liebman LLP

Firm Partner **Amy Angel** has been named the Chair of the Portland Opportunities Industrialization Center and Rosemary Anderson High School Board of Directors. POIC



Amy Angel

+ RAHS focuses on the future success of at-risk youth, by providing education, mentoring, family outreach, employment training, and employment placement services.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to mba@mbabar.org.

SOLO & SMALL FIRM NETWORKING WORKSHOP AND SOCIAL

Tuesday, October 24

Workshop: 4-5 p.m.

Social: 5-6:30 p.m.

Red Star Tavern Club Room
503 SW Alder, Portland

Networking is crucial for building your practice and professional contacts. In this workshop you will learn how to develop the art of networking and how networking skills can help you break down barriers and build a thriving referral network. **Gloria Trainor**, Trainor Law PC, and **Charley Gee**, Charley Gee PC, will serve on the panel with **Ben Cox**, Attorney at Law, moderating. Immediately following the workshop, join us for a social to put your newly honed networking skills to the test.

Workshop Cost: \$20 members/\$60 non-members. The social is free to attend. If attending the social only, please RSVP to Kathy Modie at 503.222.3275 or kathy@mbabar.org. One hour of Business Development CLE credit will be applied for. Register at www.mbabar.org.

Recognize Those Who Help

Watch for the nomination form in the December issue

MBA • LASO • OLC Pro Bono Awards

Senior Project Volunteer of the Year

For service to Multnomah County's longest running pro bono project

Michael E. Haglund Pro Bono Award

For Young Lawyers in LASO, OLC, or MBA YLS pro bono projects

Pro Bono Award of Merit

For exemplary pro bono work

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Tips From the Bench

Assessments Expand the Criminal Justice Toolkit

by Judge Cheryl Albrecht
Multnomah County Circuit Court



An appropriate sentence in a case is a constantly moving target. Trying to predict whether any given person will commit another crime can feel like looking into a Magic 8 Ball only to see “Reply hazy. Try again.” In the ever-present struggle to use minimum funds to extract maximum gain, criminal justice professionals are increasingly turning to actuarial assessments to inject more clarity into important sentencing decisions.

Assessments are nothing new to parole and probation officers, who have been using them for a number of years to fashion supervision conditions. But as studies consistently show that high-quality risk assessments yield more accurate predictions than professional judgment alone, they are increasingly making their way into the courtroom.

In its March 2017 report *Demystifying Risk Assessment*, the Center for Court Innovation estimates 60 different risk assessments are in use around the country. Most are “RNR,” or Risk Needs Responsivity assessments based on a theory of rehabilitation developed by Canadian psychologists in the late 1980s. “Risk” refers to an individual’s chance of re-offending. “Needs” refers to underlying problems documented to affect recidivism, including addiction or joblessness. “Responsivity” is using an evidence-based assessment to explore the combination of factors and to develop an individualized treatment plan that can target the problems that lead to re-offending.

The usefulness of any risk-needs assessment depends on a substantial pool of data collected over time. In targeting recidivism, the assessments look to factors shared by a group of people, for instance, addiction plus homelessness, and compare them to factors present in those who’ve reoffended. Someone who scores as a high risk is deemed more likely to commit a new offense because that person shares more characteristics with another person who has reoffended. When results are tested against additional groups and continue to predict the same rate of recidivism in the new groups, the assessment is considered validated.

While it is true that correlation does not always equal prediction, validated risk-needs assessments are based on what the Center for Court Innovation report says is “a robust body of scientific evidence,” suggesting that the likelihood of recidivism can be

reliably assessed on a discrete set of factors. Once identified in an individual, those factors can be targeted to reduce recidivism. That’s where responsivity comes in. For example, providing paths to employment can reduce the overall risk even when other factors are present. One study showed RNR approaches resulted in 33 percent less recidivism. Others show that high risk individuals benefit the most from intensive intervention, creating opportunities to explore alternatives to incarceration.

Multnomah County practitioners may be most familiar with the LS/CMI, also known as the Level of Service/Case Management Inventory. The Justice Reinvestment Intensive Supervision Program (MCJRP) and the Treatment First Program for drug possession charges are both centered around that assessment with the aim to create an individualized treatment plan that can assist in pre-trial negotiations and sentencing. A trained officer conducts the assessment, exploring criminal history, education and employment, family and relationships, leisure activities, addiction history, pro-criminal attitudes, and anti-social patterns. The officer assigns a person into one of four quadrants: high risk/high needs; high risk/low needs; low risk/high needs; and low risk/low needs. That quadrant then determines which combination of efforts directed to prevention, habilitation to develop community living skills, treatment to address addiction, and accountability to address criminal thinking is best suited to the defendant.

It’s important to know that, in determining responsivity, metrics matter. Studies show that rehabilitation overload can have detrimental effects, particularly with lower risk individuals. A study of one assessment tool, the LSI-R, showed that low risk drug court participants placed in long-term residential treatment actually doubled their likelihood of re-arrest over a two-year period. Different risk assessment instruments may have different strengths and purposes. And calculating the scores that determine placement into high or low risk groups must be done carefully to avoid spillover into an improper category.

Other types of assessments are becoming more commonplace as well. Recognizance officers conducting jail intake make

Continued on page 17



News from the Courthouse

by Caroline Harris Crowne
Court Liaison Committee

Presiding Judge’s Report and Courthouse Update - Judge Nan Waller

Judges and Referees

There have been several recent judicial changes, with the appointment of Judge Xiomara Torres announced in the spring, followed by the appointment of Judges Katharine von Ter Stegge, Christopher Ramras, and Benjamin Souede in July. Another appointment is expected in September for the position held by Judge Stuart. Additional judicial retirements are likely to be announced in the next year. Also, Referees Connie Isgro and Steve Evans are both retiring, and their replacements will be announced soon.

Judge Waller noted with sadness the passing in August of Judge Michael H. Marcus, who served on the bench in Multnomah County from 1990 to 2012.

Courthouse Update

Construction of the courthouse is well under way and is expected to be completed in 2019, with occupancy in 2020. Thanks in great part to strong support from the bar, this year the Legislature approved \$92.6 million for the courthouse construction and \$8.9 million for the technology and fixtures that need to be embedded in the building during construction. There will be a request for funding for furniture, fixtures and equipment as well as the move into the new building in the 2019 legislative session.

Budget

The budget recently adopted by the Legislature, which went into effect on July 1, includes a 6.5% decrease for the Oregon Judicial Department. The court is working on a plan to manage the decrease. This decrease is effectively in addition to the 15% budget decrease that was implemented during the last recession, when many positions were eliminated.

The Legislature continued funding for the Justice Reinvestment Program, which has been successfully operating for the past five years

in Multnomah County. The program features early risk-needs assessments and better informed decision making through the use of judicial settlement conferences. The goal is to reduce prison usage by determining which defendants can be safely maintained in the community with services in place in certain criminal cases.

Trial Dockets

The court continues to get civil trials out on schedule, and it has been a long time since a civil or felony trial on the morning docket had to be set over for lack of an available judge.

Grand Juries and Preliminary Hearings

The Legislature made a significant change to the grand jury process this year, requiring that proceedings be recorded by one of the grand jurors. The District Attorney’s office expects that it will use preliminary hearings more frequently, which will require additional judicial resources at the Justice Center.

Community Relations

The court wrapped up its community listening sessions this past year and will be working this fall on developing responses to what was learned.

The Multnomah Bar Foundation has launched a civic outreach program to raise public awareness about the judicial system. Judges will pair with volunteer lawyers to deliver brief presentations to community groups, using a prepared script with a focus on procedural justice. Interested volunteers should contact Pamela Hubbs at the MBA (503.222.3275, pamela@mbabar.org).

The court formed a Diversity Committee, which has been organizing Lunch & Learn programs for judges and staff, designed to provide education on the diverse populations within our community and their historical experiences. The court’s Education Committee has provided training to all staff and judges on safety and trauma-informed practices and is planning a training on implicit bias for later this year.

Free Lunch and Learn CLE: Procedural Justice and the New Courthouse - Friday, December 15, 12-1

Join Presiding Judge Nan Waller, Chief Family Law Judge Maureen McKnight and attorney Joe Franco of Holland & Knight LLP for a free CLE seminar on the Multnomah County Court’s procedural justice initiatives, and the ways the new courthouse was designed to enhance procedural justice. Topics will include:

- Ways to narrow the gap between judicial and public perceptions of procedural justice;
- Challenges to overcome in improving the public’s perception of procedural justice, including ways to improve the experience of the self-represented litigant;
- Why considerations of procedural justice should be important to all lawyers who interact with the courthouse;
- How a focus on procedural justice can improve your effectiveness as a lawyer; and
- Aspects of the new courthouse that were planned with procedural justice in mind, including the Court’s initiative to create a legal resource center in the new courthouse.

The program may qualify for Access to Justice MCLE credit. There is no charge to attend. RSVP to Pamela Hubbs (pamela@mbabar.org).

Patricia McGuire Appointed to the Bench

Governor Brown announced on September 13 that she will appoint Patricia McGuire to the Multnomah County Circuit Court. McGuire fills a vacancy created by the retirement of Judge Diana Stuart and will be assigned to the court’s Family Department. To read the full news release, visit www.mbabar.org and click on the News tab.

The Honorable Xiomara Torres Multnomah County Circuit Court Judge

by Patrick Angel
Court Liaison Committee

In 2006, the Oregon Legislative Assembly was in between regular sessions. Then State Senator, (and Senate Majority Leader) Kate Brown was sitting in an attorney conference room at Juvenile Services Division where she sometimes worked between the legislative sessions as an attorney with the Juvenile Rights Project.

During a break, Kate chatted with a young attorney she knew who was representing at-risk youth who found themselves involved with the criminal justice system. During the conversation, Kate Brown said to the lawyer, “you need to start thinking about becoming a judge, you’d make a great judge.”

Fast forward about 11 years to June 2017 when Governor Kate Brown herself spoke at the investiture ceremony for the newly appointed Multnomah Circuit Court Judge Xiomara Torres.

Judge Torres was born in El Salvador and immigrated to the United States as a child. While attending the University of California Berkeley, the first in her family to attend college, Judge Torres was selected for an internship in Washington D.C. through the Congressional Hispanic Caucus Institute and worked for Senator Conrad Burns of Montana, and Congressman Esteban Torres (no relation) of California. Judge Torres enjoyed the experience and was such an asset she was urged to stay on in Washington to continue the work there for the Hispanic Caucus but decided instead to return to Berkeley to complete her undergraduate degree.



Judges Julie Frantz, Xiomara Torres and Senior US District Judge Anna Brown

After graduating from UC Berkeley, where Judge Torres incidentally studied Modern Dance in addition to Sociology, she attended Lewis & Clark Law School and was a member of the Cornelius Honor Society and interned in the California Attorney General’s office. Later during law school she accepted an internship with US District Court of Oregon Judge Anna Brown.

After law school, Judge Torres worked as a judicial clerk in Multnomah County for Judge Julie Frantz, who would become a friend and mentor. After the clerkship, she practiced law at a firm in Portland representing indigent juvenile defendants. Before taking the bench this summer, Judge Torres most recently spent the last decade as a Senior Assistant Attorney General at the Oregon Department of Justice in the State’s Child Advocacy Section, working tirelessly to help protect Oregon’s vulnerable children. Judge Torres has a very informed understanding of the relationship between the state, the court and the individual.

Throughout her career, Judge Torres has been deeply engaged in the legal community as well as the community at large. She has served as the Co-chair of the Oregon Minority Lawyers Association, been a board member of the Oregon Hispanic Bar Association and recently served on

the Multnomah Bar Association’s Court Liaison Committee.

Judge Torres will fill the position in Family Court recently left open by the retirement of Judge Merri Souther Wyatt. Somewhat separate from the Civil and Criminal departments, but not entirely, Judge Torres along with the other judges in the Family Law department, mostly hear legal matters related to marital dissolution, child custody, adoption, restraining orders and other related matters. With Judge Torres’ background, it’s hard to imagine a more qualified or experienced person to fill this position.

In the legal community’s version of the circle of life, the wheel has completed a full turn. Judge Torres began as a law clerk for Judge Frantz, doing everything a clerk does to help a judge handle the docket, schedule hearings and generate judicial orders. Now she is wearing the robe Judge Frantz herself placed over her shoulders this year when Judge Anna Brown administered the oath of office and swore her in.

Judge Torres is honored to continue serving our community, now from the bench, and is excited about this new chapter in her life. When she’s not at the courthouse presiding over hearings or reading motions, Judge Torres likes getting out on the water in her kayak, for a cool change.

Justice Heals

by Holly R. Puckett
Campaign for Equal Justice

At the Campaign for Equal Justice (CEJ), we join our partners, the OSB and the MBA, in the shared community value that our profession is strengthened when lawyers take on pro bono cases, and when they make financial contributions to support nonprofits that improve access to justice in Oregon. Supporting fairness in the justice system for all is a professional obligation of lawyers. For several examples of how our community defines this professional responsibility, see OSB Bylaw 13.1, the OSB’s pro bono policy, and the MBA’s Pro Bono Pledge. Because of this framework of support for justice for all, we have one of the highest percentages of private bar donations to support the work of civil legal aid in the country. That’s something that all lawyers can celebrate.

Being a part of the Oregon legal community also means that we get to share in the good work of our colleagues, such as this success story from Andrea Ogston in the LASO Portland Regional Office:

Noelle’s daughter Poppy was born with Apert’s Syndrome, a rare and complex condition that caused her fingers to be fused together. For Poppy to have full use of her hands,

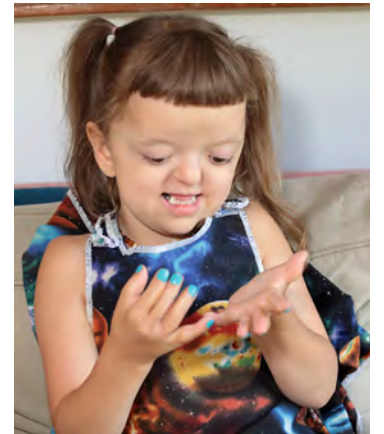


Noelle and Poppy

she needed very specialized reconstructive surgery. Noelle connected with a surgeon in Boston who specializes in this type of surgery and who was confident that he could give Poppy 10 working fingers. But Noelle’s health plan provider denied the request to use this specialist, citing the cost, and insisted that Noelle use a local surgeon. None of the experienced hand surgeons in Oregon felt confident that they could give Poppy 10 fingers. The cycle of requests, denials, and appeals for Poppy’s essential surgery went on for three years, despite the Boston specialist waiving his fees to make the surgery less expensive. Noelle desperately wanted Poppy to have 10 working fingers before she began kindergarten, and time was running out.

Luckily, Noelle found legal aid, and they began to work on the next appeal

together. Having an attorney step in to ask questions, request documents, and review processes made all the difference. Just before the appeal hearing, the health plan changed course and gave full permission for the surgery on the East Coast. Now Poppy is thriving with 10 fully functional fingers, just in time to start school.



Poppy

To celebrate the one-year anniversary of the surgery, Noelle and Poppy threw a “birthday party” for Poppy’s hands and invited their legal aid lawyer to join the celebration.

Throughout the past 26 years, Oregon lawyers have come together every year to support civil legal aid through the CEJ. We have built a culture of community and support around access to justice, and that commitment is clearly demonstrated by the national awards that Oregon has won for its private bar’s support of civil legal aid. If we all get involved through pro bono and financial support for nonprofits that improve access to justice in Oregon, it does make a difference.

As CEJ starts its 27th year, we encourage you to focus on the everyday work, and also the groundbreaking work, that civil legal aid is doing to heal families, communities, and people’s faith in systems all over Oregon. Civil legal aid helps people protect livelihoods, health, and families, including veterans denied rightfully earned benefits, women trapped in abusive relationships, and families facing wrongful evictions and foreclosures. Civil legal aid’s services increase access to information and help people to know their rights. To learn more, or to make a donation to support legal aid, please contact the Campaign for Equal Justice, office@cej-oregon.org or 503.295.8442, or go online to cej-oregon.org.

mba | EVENT

Bench Bar & Bagels

Thursday, November 16

Tonkon Torp

888 SW 5th Ave., Ste. 1600, Portland

7:30-8:30 a.m.

The MBA hosts the ninth annual “Bench Bar and Bagels” on Thursday, November 16. Please join your colleagues and members of the judiciary for a light breakfast and coffee. This event is offered at no cost to MBA members and judges. Non-members: \$10.

Special thanks to our sponsor and host:



Please RSVP to Kathy Modie,
kathy@mbabar.org.

What is the YLS?

An inclusive section of the bar, which includes any MBA member in practice less than six years or under the age of 36. The YLS provides leadership, networking, professional development and service opportunities. And we have fun!

Top Ten Reasons to Take Pro Bono Work

by Brent Hamilton
YLS Pro Bono Committee



The “Top Ten” list was popularized by David Letterman as a comedic shtick using celebrity presenters to poke fun at current events. In creating our own pro bono “Top Ten” list, we wanted to bring the brightest and best legal minds to offer their insights about the value of volunteering for pro bono legal work. But they almost all said, “no, thanks.” (Editor’s note: they didn’t actually say “thanks.”) In fact, Atticus Finch was the only attorney that we reached out to who did not expressly tell us “no.” So we signed him up to be our presenter. Surprisingly, he didn’t appear at the specified time and place. So, unfortunately, our Top Ten list is celebrity-less and you will just have to imagine our list being narrated with a soothing Southern drawl.

- 10. No collections, no write-downs.** The next time you find yourself reviewing time sheets, evaluating how much to write down (or to write up, kudos!), imagine a world where no bills are prepared. Imagine a world where you never have to make collections calls to clients. Such a place exists, my friends, in the land of pro bono. (But if you expect to get attorneys’ fees or pro bono credit, we suggest tracking your time.)
- 9. Smaller cases, more responsibility.** Dear second-year attorney: By now, you are surely an expert at document review. How much courtroom experience do you have? Would you like some?
- 8. Smaller time commitments, more value.** Look, we know you are busy. Many pro bono opportunities involve limited scopes of services and many

- pro bono opportunities do not require follow-ups with clients. How easy is that?
- 7. Hi, shoe - meet the other foot.** Many attorneys work exclusively for large corporations and sophisticated clients. Advocating on behalf of the little guys and gals may give you additional perspective about negotiating from the other side. Or, it may just be a refreshing change-of-pace.
 - 6. You weren’t really retired anyway.** Have you been hanging on to that law license in case of a rainy day? Are you running out of excuses to justify continuing to pay bar dues? Fear not! Pro bono work gives you the noblest of justifications for continuing bar membership.
 - 5. Work for free, then work for pay.** Have you hit a rough patch in your job search? Pro bono work is a great way to continue building legal experience, which looks great on a resume. And, by attending clinics or other pro bono events, you may even network your way to a paying gig.
 - 4. Do something different.** Try family law. Try immigration law. Try criminal law. Try something new and different.
 - 3. Be politically/morally/socially active.** Many pro bono opportunities allow attorneys to advance or advocate for political, moral, or social causes that they are passionate about. Get out there and change the world!
 - 2. Feel good about being a lawyer.** I bet you already do. But I promise that volunteering your time for a pro bono effort will make you feel even better about the career you love.

And, the number one reason to do pro bono work is...
 - 1. Grateful, deserving clients.** Everyone deserves a lawyer, but many people simply can’t afford one. Often, underserved clients are the most grateful because they truly appreciate the value of your time and effort.

Ask the Expert

Dear Expert:

I am a newer lawyer and want to do pro bono work but worry about taking on a matter by myself. How can I do pro bono work as a new lawyer without committing malpractice? (In other words, how can new lawyers provide competent pro bono services?).

Wannabe Pro Bono Attorney

Dear Wannabe:

You highlight the classic chicken and egg problem that most younger attorneys run into when they want to do pro bono work. Most newer attorneys want to do pro bono work to help them gain some experience, but they don’t feel they have enough experience to handle a case by themselves.

Take heart! You went to law school, passed the bar, and can learn new subject areas. There are always going to be times in your career when you encounter a new case or type of law and will be able to learn and handle the case.

Remember you are never on an island when you take on a new case. There are plenty of seasoned attorneys who are willing to help you out and provide some guidance. If you are in a firm, there are likely partners who are willing to help you out and learn with you. Even if you are a solo, you can pick up the phone and ask for help from seasoned attorneys in the field who can give you tips over coffee or may be able to answer ongoing questions. Make sure those support systems are in place before you start the work.

Below is a small subset of opportunities for newer attorneys to get their feet wet doing pro bono work and get some guidance along the way.

MBA YLS Wills for Heroes

Experienced wills and estate attorneys provide pro bono consulting for first responders. Younger attorneys can volunteer

to help with intake and form-filling for wills, powers of attorney, and advanced directives. Contact: Brent Hamilton, 503.778.5472 at brenthamilton@dwt.com.

CASA for Children

Attorneys are needed to represent volunteer Court Appointed Special Advocates (CASAs) in Multnomah or Washington County juvenile court proceedings at the trial and appellate levels. Volunteer attorneys are supported by a staff program attorney. Contact: Lynn Travis, 503.988.4160, ltravis@casahelpskids.org.

Immigration Counseling Service

Provides pro bono opportunities to assist juvenile immigrants. ICS will provide training and mentoring. For a few hours of your time you can make a huge difference in a child’s life. Contact: Mark Bowers, 503.221.1689, mbowers@ics-law.org.

Legal Aid Services of Oregon - Volunteer Lawyers Project Bankruptcy Clinic

This project consists of two components: a bankruptcy class and a legal clinic. The bankruptcy class explains the basics of the bankruptcy process and filing a Chapter 7. The class is open to the public and is taught by a member of the OSB Debtor-Creditor Section, a US bankruptcy judge or representative from the US Trustees Office. Following the class, volunteer attorneys meet with two scheduled clients per clinic. The attorney helps the client assess whether a Chapter 7 is appropriate and if so, provides ongoing representation. Clinics are held monthly on Wednesday evenings from 6:15-9 p.m. Contact: Jill Mallery, 503.224.4086, jill.mallery@lasoregon.org.

Statewide Tax Clinic

The Statewide Low Income Taxpayer Clinic provides advice and representation to low-income clients who have a tax controversy with the IRS and related cases with the Oregon Department of revenue. Pro bono tax cases are referred through a listserv. Volunteer opportunities are also available for recent graduates and new members of the bar. Contact: Sarah Lora, 503.224.4086, sarah.lora@lasoregon.org.

Senior Law Project

This project assists seniors age 60 or over that reside in or have a legal issue in Multnomah County. Volunteer lawyers meet with senior clients at nine senior center locations in Multnomah County. The lawyers provide a free 30-minute consultation on any civil legal issue, regardless of the senior’s income. SLP volunteers provide continuing pro bono services for only those clients who meet LASO’s financial eligibility requirements. The SLP sponsors a monthly Elder Law Discussion Group to provide information and support. Contact: Jill Mallery, 503.224.4086, jill.mallery@lasoregon.org.

Domestic Violence Project

The Domestic Violence Project matches pro bono attorneys with victims of domestic violence for representation in contested Family Abuse Prevention Act (FAPA) restraining order hearings, Elderly Persons and Persons with Disabilities Abuse Prevention Act hearings (EPPDAPA), Sexual Abuse Protective Order hearings (SAPO), and stalking order hearings. Volunteers are not expected to assist clients with family law matters that may exist after the protective order hearing. An online CLE and written training materials are available. Contact: Erin White, 503.224.4086, erin.white@lasoregon.org.

THOMAS W. BROWN

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- Approved arbitrator for Arbitration Service of Portland
- Approved mediator for Oregon Court of Appeals Settlement Conference Program
- Member OSB Alternative Dispute Resolution Section, Executive Committee
- 2015/2017 Best Lawyers’ Portland, Insurance Law, “Lawyer of the Year”
- 2014 Best Lawyers’ Portland, Appellate, “Lawyer of the Year”

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Emily Gumper Pro Bono Opportunities in Immigration

by Kay Teague
YLS Pro Bono Committee

Emily Gumper currently works as a staff attorney for Catholic Charities in Portland. She assists individuals with obtaining lawful immigration status in the US. Emily began her career working on immigration issues as a clerk, and later on as a staff attorney, for the Ninth Circuit Court of Appeals.

After taking some time to raise a family, Emily came back to her original passion: immigration. This time, however, she opened a private practice focused on assisting those applying for legal status. Her passion remained with the individuals on a fraught journey seeking legal permanency, and she then took a job working with Catholic Charities' Immigration Legal Services, providing immigration services to those in need.

Now, as the immigration world endures a sea change, Emily is on a mission for your attention. She politely cautions that while immigration law is a complex and high-stakes field, with the right training and guidance, any caring, competent attorney can lend a hand to individuals seeking legal immigration services.

What does typical pro bono work in this field include?

Emily says that volunteering with Catholic Charities to provide immigration services means shepherding a client through the heavily-regulated and paperwork-intensive process of applying for permanent residence or other forms of lawful status. A typical family based immigration case involves an individual citizen or permanent resident family member petitioning the United States Citizenship and Immigration Services for the applicant to become a permanent resident. Catholic Charities currently has pro bono opportunities representing those petitioning on their own behalf as a domestic violence victim or helping victims of crimes, who have assisted law enforcement, to obtain U visas. In addition, Catholic Charities Immigration Legal Services has recently partnered with St. Andrew Legal Clinic to provide family preparedness workshops for families concerned about deportation to know their rights and plan for care of children. Finally, Catholic Charities has in-office opportunities for volunteer attorneys who want to work under the direct supervision of Catholic Charities staff attorneys.

What will not be a part of my pro bono service with Catholic Charities?

Emily clarifies that volunteering to provide immigration services does



Emily Gumper

not currently include assisting those already facing deportation or "removal" proceedings in immigration court. Emily says Catholic Charities is currently expanding its services to provide defense in deportation proceedings, and may have pro bono opportunities for attorneys in the near future. Emily says this expansion of pro bono representation in deportation proceedings is critical in the current landscape, especially given that individuals facing deportation are not entitled to an attorney because immigration proceedings are civil, not criminal.

What are some other reasons I should be interested in volunteering here?

Aside from the satisfaction of helping those in need, you can volunteer knowing you will be in good hands. Emily assures any volunteer will not be thrown to the wolves without training under your belt, and an experienced attorney to rely on when questions arise. Individuals also have the option of collaborating with another pro bono attorney on a case to help ease into the volunteer experience. Most importantly, because Catholic Charities Immigration Legal Services is a Certified Pro Bono Program, your insurance coverage for this pro bono work is provided by the PLF free of charge.

I'm interested! What are these training classes you keep mentioning?

Catholic Charities offers daylong trainings in representing clients in U visa applications, and in Violence Against Women Act self petitions. Attorneys interested in assisting at upcoming family preparedness planning workshops must complete an online training.

Now that you have convinced me, how do I sign up?

Anyone can inquire about regular training sessions that are being held with Emily Gumper at egumper@catholiccharitiesoregon.org.

Saturday Academy Grantee Spotlight

by Hon. Cheryl Albrecht
MBF Board of Directors



The kids were at near fever pitch. They'd been mastering the facts of the case. Examining forensic evidence. Talking to the news media. Learning about cross examination. Practicing their opening statements. And now the judge was taking the bench. It was go time.

For 29 middle-school students in Saturday Academy's Kid Lawyer Camp, this would be the culmination of a week-long crash course in how an individual case



A crime scene investigator provides expert testimony

plays out in the judicial system and how it gets covered in the media. In the process, the kids would learn about something very abstract - the rule of law - by engaging in something very tangible - the nuts and bolts of how justice gets meted out at trial.

Saturday Academy is one of 10 grantees to receive grants totaling more than \$47,000 from the Multnomah Bar Foundation Civic Education Fund in 2017. The MBF fund aims to advance civic education and engagement by connecting with community organizations like Saturday Academy. The fund helps to support their activities

while fostering increased public understanding and participation in the justice system. MBF Board members make personal site visits and schedule meetings with organization leaders, processes which build sustainable relationships and ensure the grant funds are used to achieve their aims. And by emphasizing giving grants to organizations that are active locally, the MBF supports agencies who are making valuable contributions every day to empower community members to build stronger neighborhoods and weave a more durable societal fabric.

Saturday Academy operates year-round to connect students with professionals in the community who act as educators and mentors. Although the Academy's mission covers numerous disciplines and fields of study, MBF's grant contributes funding to the week-long Kid Lawyer Camp during the summer, which is open to all students. MBF's funding helps to support tuition assistance for low-income students who apply.

Kid Lawyer Camp is a one-week all-day curriculum taught by six instructors who explore all aspects of a case that is set for a mock trial on Friday afternoon. This year's case involved a civil suit by a 19-year-old who sued the police department for battery, assault and intentional infliction of emotional distress after a Swiss Army Knife incident with an off-duty officer who was acting as a convenience store security guard.



Witness 2

The students get divided up into small groups and cycle through five classes every day. It could justifiably be called Kid Lawyer Boot Camp, but there is more to it than just lawyering. In addition to a lawyer instructor



and a high school debate teacher, instructors include a drama coach for a broadcast program about the case, a novelist and freelance journalist for the newspaper they produced, and a high school



Witness 1

science teacher for forensic evidence. The students study the case facts, learn the skills necessary to perform their roles, and then get their specific trial or news assignments on Thursday.

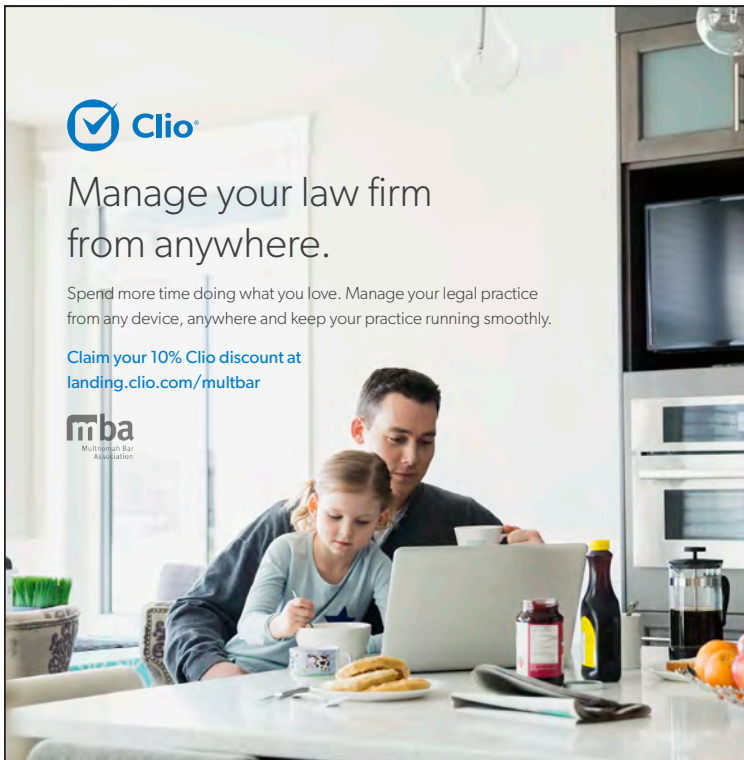
Once the judge calls the case to order, a student might be a lab-coat wearing forensic expert, an eyewitness describing what happened with the officer, a newscaster reporting on the judge's rulings in a mid-trial news program, or a lawyer nailing down a squirrely witness by modifying question content. Students learn evidence rules and make objections showing an understanding of opinion evidence and comments on credibility. Parents and guests watch the trial proceedings and will act as jurors after closing arguments.

The format doesn't follow the traditional mock trial model given the number of students, but it effectively explores how law depends on the importance of processing information to reach conclusions - there is a witness with knowledge answering questions and being challenged, with rules of procedure that apply, a neutral fact-finder or jury hearing two sides, with objections and order determined by a judicial officer. As a program, it promotes the rule of law as a system to resolve disputes and encourages thoughtful, critical thinking and analysis on the part of the student actors. The journalism segment signifies the importance of transparency and public involvement in and knowledge of the justice system.

In the end, the jury found that the officer had used excessive force and should pay a fine and attend more training. The winning team of lawyers had no shortage of moxie. They'd created a catch phrase they used at key moments during trial, and they provided quite the punctuation mark with their resounding chorus of "Oh snap!!" at the announcement of the verdict.



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- Have an editor's eye for detail.
- Quickly identify problems as they arise and work toward resolution.
- Work closely with your attorneys to support and assist long-standing client relationships.
- Have frequent contact with clients, court personnel and other professionals and must be able to communicate effectively to the appropriate audience.
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Tips From the Bench

Continued from page 12

release recommendations and decisions using the Virginia Pre-Trial Risk Assessment, an instrument which predicts community safety and court attendance pending trial. The Public Safety Checklist of Oregon, a recidivism prediction instrument, is used for custody placement decisions and probation revocation recommendations, and is sometimes used as a preliminary step to determine whether additional assessments are warranted. The American Society of Addiction Medicine Assessment (ASAM Assessment) has become the norm to determine the recommended level of substance abuse treatment.

Of course, algorithms have their limits. Though assessments usually outperform professional judgment alone, a generalized estimate is that their accuracy hovers around 70 percent at best. And while the LS/CMI tends to reduce the influence of implicit bias in decision-making and has been validated internationally across multiple racial and ethnic groups, pre-existing system biases may mean that people of color are overrepresented in the samples used to build the risk assessments. Currently, assessments are best at predicting which people need intensive supervision, but lack the same extensive data sets to fully predict what type of recidivism

will occur or what exact factors are most important to reduce recidivism. And as always, reliability of any test result depends on the reliability of the information provided during the interview.

Practitioners would be wise to become familiar with assessments used locally, their method of administration, and their aims. The "MCJRP Best Practices for Defense Attorneys" report (<https://multco.us/file/52476/download>) details the use of the LS/CMI in that program. The report recommends attorneys discourage their clients from embellishing and advise their clients that the LS/CMI represents an opportunity to be seen not just as a criminal defendant, but as a person who needs assistance facing life challenges. It further recommends that building a relationship of trust prior to the assessment, monitoring the interview, and gathering treatment records all support effective use of the tool.

Ultimately, assessments in isolation can never fully substitute for the human-focused solutions that come from individualized advocacy and nuanced judicial decisions, but they can definitely support those efforts. Combining validated assessments with the collective wisdom of collaborating professionals appears very promising in the quest for the sentencing Magic 8 Ball to read "You may rely on it."

Ethics Focus

Continued from page 9

best efforts, a client cannot be located, the only practical avenue available to the lawyer in light of the lack of authority is usually to withdraw. OSB Formal Opinion 2011-185 contains very practical guidance on withdrawal in litigation and what a lawyer can - and can't - include in public court filings or proceedings. The opinion also addresses how *in camera* review can be structured to protect the client in the event the judge wants more information on the reasons for withdrawal.

The File

In the not too distant past, "the file" was a physical folder or set of pouches. Today, "the file" is more often electronic. That change doesn't alter the

ethical and risk management considerations involved, but it usually makes file storage much easier. Under RPC 1.15-1(a) and (d), lawyers have continuing obligations to protect client original documents that have legal significance in and of themselves, such as original wills. Therefore, OSB Formal Opinion 2005-43 counsels that lawyers must preserve wills and similar original documents of comparable legal import even if they cannot locate the client concerned. The opinion also notes in the case of wills in particular that Oregon statutory law governs the destruction of original wills. By contrast, other paper documents may generally be scanned into electronic form for storage under OSB Formal Opinion 2016-191. Although the RPCs do not suggest a specific period for retaining documents

beyond those, like wills, having independent legal significance, the PLF generally recommends at least 10 years with most to align with Oregon's statute of ultimate repose. The PLF's guidelines are available on its website at www.osbplf.org.

Funds in Trust

If a client disappears with funds in trust, OSB Formal Opinion 2005-48 counsels that the lawyer first needs to undertake reasonable efforts to locate the client. Assuming those do not result in locating the client, then under RPC 1.15-1 the lawyer must continue to hold the funds in trust until they are deemed "abandoned" under the Uniform Disposition of Unclaimed Property Act. The opinion then discusses in detail the procedures for reporting the abandonment and forwarding the amount involved to the Bar.

Pro Bono Volunteers

Thank you to the following lawyers and law students who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to www.mbabar.org and click on "About Us" and "Pro Bono."

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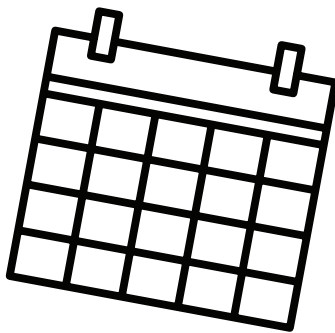
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2017 Pro Bono Celebration Fair Award Recipients

by Catherine Petrecca
Oregon State Bar

Additional reporting by Jay Sayles, Michael Althouse, Chris Fryefield and Levi Johnston.

The six-person Redmond firm of **Bryant Emerson** has been in operation for over 100 years, serving clients throughout Central Oregon. It is the winner in the Small Firm Category.

The firm's practice is diverse, as is the pro bono work in which its members engage. A little more than half of the firm's 2016 pro bono hours benefited organizations such as the Redmond Habitat for Humanity, the Boys and Girls Club of Redmond & Terrebonne, the Senior Law Project (SLP), WaterCup Counseling, and the Opportunity Foundation. The Senior Law Project offers free legal help at the Redmond Senior Center. WaterCup Counseling is a local nonprofit providing nourishment, care, and affordable community counseling services based on a sliding scale. WaterCup has a commitment to not let finances prevent the local community from receiving help. The Opportunity Foundation empowers people of diverse abilities. One of Bryant Emerson's partners is a founding member of the Opportunity Foundation, which started in 1965 as a school for kids with developmental disabilities.

The rest of the firm's pro bono hours benefited individuals from the community. Bryant Emerson never turns down the court when notified of someone in need of legal services who can't afford them. Sometimes the firm

decides to take cases pro bono after meeting with a client and discovering their situation.

Bryant Emerson attorneys are proud of their pro bono contribution to their community

This year's winners of the Medium-sized Firm Category are two firms who've battled it out before. This year, their reported hours were too close to call.

Barran Liebman LLP, a Portland employment law firm with 17 practicing attorneys, has long been a stalwart supporter of pro bono efforts, as well as a strong financial supporter of legal services and community organizations. In the past year, the firm's partners, associates, paralegals and staff have represented a victim of sexual assault, individuals in the throes of foreclosure, and children exposed to bullying situations. They offer pro bono and low bono to local nonprofits and arts organizations, including the Children's Cancer Association, All Hands Raised (Portland Schools Foundation), and POIC + RAHS (supporting alienated, at-risk youth).

Ed Harnden, Co-Managing Partner believes that "it is the professional responsibility of every lawyer to represent those who cannot otherwise afford representation. Equal access to justice is a requirement for civil society, and one we should prioritize."

Associate Charlotte Hodde, also a member of the OSB Pro Bono Committee, states that "pro bono service is not only a chance to serve our community,

but fulfills our duty to educate the public about the law and this great profession that we have the privilege to be a part of." Barran Liebman's list of community organizations they support is long and diverse, from The Classroom Law Project to the Hollywood Theatre and Habitat for Humanity.

Stoll Berne, a 16-member firm also in Portland, has long believed in social responsibility. According to Managing Partner Josh Ross, "Robert Stoll and Gary Berne founded the firm based on a culture of giving and caring for the community. Following Robert and Gary's lead, we have been intentional about building a firm that does not give lip service to those core principles. In the end, active participation in pro bono is not something we need to force on anyone because, from top to bottom, our firm is made up of people who take that obligation seriously and who actively seek out opportunities to give back."

The firm signs the MBA Pro Bono Pledge each year and has a formal pro bono policy that emphasizes that lawyers are in a unique position to serve persons of limited means and to promote the public interest. All lawyers are encouraged to perform 80 hours of pro bono service each year, including at least 20 hours to the direct provision of legal services to the poor.

In 2016, associate Nadia Dahab volunteered as an active participant in the Oregon Appellate Court and Ninth Circuit pro bono programs, through which she represented litigants on appeal in landlord-tenant, habeas, and immigration matters. Josh Ross regularly represents victims of domestic violence through Legal Aid's Domestic Violence Program, typically representing women who have been abused by a

spouse or family member in a contested hearing at which the court decides whether or not a restraining order should remain in place for the victim's protection. Other professionals provided representation in a variety of other pro bono matters, served on community boards, and volunteered in many ways to support the legal profession.

The Portland office of **Davis Wright Tremaine (DWT)**, another previous winner, follows the guidance set by founding member John Davis who stated, "a life is worth living when it is dedicated to the service of others." The Large Firm Category winner has a standing pro bono committee that locates and offers pro bono opportunities and encourages participation in pro bono service. The firm also has a pro bono policy that gives lawyers the latitude to engage with clients and causes about which they are passionate.

In 2016, DWT attorneys provided pro bono representation for a diverse range of clients. Associate Bradley Tubbs formed the Cancer Can't Foundation for Becky and Jonathan Van Keulen to raise funds to revamp oncology ward procedures. Jon had been diagnosed with cancer, and, following a brief remission, the Van Keulens discovered they had to throw away \$25,000 in prescription drugs because by law the prescriptions could not be shared with others. Brad then worked with the Van Keulens to draft a bill authorizing the charitable donation of prescription drugs, and then, over industry opposition, helped lobby the bill to adoption as law.

Associates Ashley Vulin and Elizabeth Bingold represented an inmate through the US District Court's pro bono program. The plaintiff had been incarcerated for an alleged parole violation and was kept incarcerated despite twice having had the alleged violation dismissed. Ashley and Elizabeth filed a petition for a writ of habeas corpus, which resulted in the plaintiff's immediate release from custody, then represented the plaintiff in a federal civil rights action based on the wrongful incarceration. Ashley and Elizabeth were able to secure an early and favorable settlement.

With an impressive 940 hours, **Daniel Meek** is the winner of the OSB Pro Bono Challenge Award for a Solo Practitioner. Daniel divides his many hours of service between several public interests groups, including Alliance for Democracy, Honest Elections Oregon, Utility Reform Project, and the Oregon Progressive Party. Public interest work is Daniel's passion, and he has represented several such clients over his career. Since 1997, he has devoted the majority of his practice to pro bono efforts for the public interest.

A graduate of Stanford Law, Daniel started practicing law in 1982. He began his career representing electricity ratepayers regarding the licensing of energy facilities in Oregon. Since then, he has greatly expanded his practice to include campaign finance reform, election law, and

civil rights. While the law varies between each of his practice areas, there is a constant theme of service to the public. Inspired by longtime public servants, Daniel intends to continue pro bono efforts for at least 25 more years.

Duane Bosworth, a partner at Davis Wright Tremaine LLP, is the individual-at-a-firm with the most hours for last year. A litigator, Duane handles commercial and complex litigation, and has frequent appellate appearances in the Ninth Circuit and in Oregon's Court of Appeals and Supreme Court. Most of his work involves information and content litigation. That is certainly true for his pro bono work.

In 2016, his pro bono hours were largely directed to obtaining access to public records and to public meetings. He has long been on the board of Open Oregon, a nonprofit dedicated to transparency in Oregon government at every level.

According to Duane, "It's fair to say that public bodies' stated reasons for denials of access are becoming more 'sophisticated.' Transparency is, at a minimum, often a hassle to public bodies and public officials. Despite its general reputation for good government, Oregon ranks astonishingly low, nationally, for access to the public's business. Litigation requires emphasizing that public records belong to the public in the first instance and that we achieve good government through the oversight provided by access to public meetings."

The winner of our Pro Bono Award for an ONLD member is **Diana McDougle**, who donated over 800 hours in the last year, primarily in her work with the Hood River office of Immigration Counseling Service (ICS).

Diana brings a diverse background to her pro bono work. She worked as part of an eight-person team in an international human rights externship, spent 16 years working at Alaska Airlines, and was an associate at Sussman Shank LLP.

Diana has been working for a year with the ICS on immigration issues, including advising DACA Dreamers, collaborating with Portland attorneys on domestic violence issues affecting immigration, and helping people attain green cards and US citizenship. Diana finds immigration work extremely rewarding, even in a time of political controversy over immigration and racial issues, and is grateful to be able to help clients who have had very difficult circumstances find safety in Oregon and Washington. She would like to encourage other attorneys to get involved in immigration counseling as a way to help out a vulnerable population.

Active Pro Bono Challenge winner **Cheryl Coon** contributed over 1,100 hours last year.

Cheryl does her pro bono work primarily through her organization, Refugee Disability Benefits of Oregon (RDBO). Located in Portland, this organization provides case

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Resources for Pro Bono Attorneys

LOCAL RESOURCES

Multnomah Bar Association
www.mbabar.org/about-us/pro-bono.html

Accept the Pro Bono Pledge and “take a matter that matters”. Find information on local pro bono opportunities and how to create a customized pro bono policy for your office. Download free CLEs from the MBA member section.

Oregon State Bar

www.osbar.org/probono

Find information on pro bono in Oregon that includes volunteer opportunities, pro bono hours reporting, attorney resources, PLF coverage for pro bono, pro bono committees and types of membership status based on pro bono activities.

Oregon Advocates

www.oregonadvocates.org

This statewide advocate’s website is sponsored by the legal aid community in Oregon and features a substantive law library as well as free CLE seminars for pro bono attorneys. Membership is free. Once you are a member, sign up for ProBonoOregon, a weekly listserv offering pro bono cases for attorneys that have been prescreened by local legal aid offices who support the individual cases they post.

Oregon Law Help

www.oregonlawhelp.org

Free legal information to low-income Oregonians is provided through this

one-stop statewide website sponsored by legal aid offices in Oregon. Self-help handbooks are available for download by laypersons and feature applicable statutes, remedies, forms and sample letters. These handbooks are great primers for the basics in some common areas of law.

211 Social Services Referral 211info.org

211 provides assistance in finding health and community organizations in the Oregon and SW Washington geographical region. Professional intake staff is available 24 hours a day by dialing 211 on your phone or the referral system can be accessed through the website.

NATIONAL RESOURCES

American Bar Association

www.americanbar.org/groups/probono_public_service.html

The ABA Standing Committee on Pro Bono & Public Service is a national source for pro bono information and resources.

The Pro Bono Institute

www.probonoinst.org

The institute specializes in supporting the pro bono work of law firms and corporate legal departments.

Pro Bono Net

www.probono.net

This site provides regional, national and international resources for attorneys working to assist low-income clients.

2017 Pro Bono Celebration Fair Award

Continued from page 19

managers and counselors for refugee families and helps them to access their social security and disability benefits. RDBO takes a unique approach in which their attorneys work closely with health care providers, case managers and counselors, as well as the refugees

they serve, to ensure that refugees’ cases are presented competently and compassionately. They handle cases at every step of the disability process, from initial application to hearing to federal court.

Cheryl previously led the social security disability section of Swanson Thomas Coon & Newton, chaired the Disability Law Section of the OSB, and has received several awards for her health care and environmental law work.

ABA Annual Meeting Update

by Akira Heshiki
 MBA Delegate, ABA House of Delegates



The ABA House of Delegates met in New York City on August 14 and 15 to adopt policy in a number of areas including immigration, gun violence and criminal law.

During the meeting, the House passed Resolution 10C, which urges Congress to address the US Department of Homeland Security (DHS) enforcement actions in and around courthouses. It is believed that ICE enforcement actions in and around the courthouse have a chilling effect, discouraging undocumented victims and defendants from seeking justice in court, as the threat of actions deter witnesses from responding to legal process due to fears of being detained.

Currently, the enforcement arm of DHS, the Immigration and Customs Enforcement (ICE), has guidance limiting immigration enforcement action at “sensitive locations” which are designated as places such as schools, hospitals, churches, and during ceremonies and public demonstrations. 10C seeks to have courthouses included as part of the list of “sensitive locations.” Consistent with existing guidance, ICE enforcement would not be limited in situations where there is a showing of exigent circumstances (allowing enforcement when an action involves a national security or terrorism matter, or where there is imminent risk of death, violence or harm).

Another resolution passed by the House involves the question of whether the ABA supports bar admission for undocumented immigrants. The ABA answered affirmatively to this question. Resolution 108 recommends that state courts (such as Oregon) with authority to regulate admission to the bar, admit undocumented law graduates who are seeking legal status to practice law in that jurisdiction.

After some debate, the ABA also passed resolution 118B, which urges governments to enact statutes or rules to permit courts to issue a “Gun Violence Restraining Order (GVRO)” and permitting them to do so on an ex parte basis. The debate on the House floor expressed concerns about Second Amendment issues and in particular, due process concerns about the ex parte process being unjust in such circumstances. Proponents expressed the need to have a legal process to help prevent gun violence by temporarily restricting a person’s access to firearms based upon a judicial finding that the person poses a danger of committing violence against himself or others. Currently GVRO laws have been enacted in a handful of states including, Connecticut, Indiana, Washington and California.

Criminal law issues were also addressed by the House at this meeting. In response to current Congressional bills that seek to increase mandatory sentences for undocumented immigrants, 10B urges Congress and state and territorial legislatures to repeal existing laws that require mandatory minimum sentences and to refrain from enacting future mandatory minimum sentencing laws in the future. The adopted resolution is consistent with prior long standing ABA policies that oppose mandatory minimums because they result in excessively severe sentencing and disproportionately and adversely

impact minority defendants. A companion resolution, 10A, which would have urged the Department of Justice to rescind a May 2017 memo directing federal prosecutors to charge and pursue the most serious readily provable offense, was withdrawn and not considered.

A complete list of all of the resolutions considered by the House of Delegates, as well as accompanying reports, can be found at the ABA website: www.americanbar.org/groups/leadership/house_of_delegates/2017-newyork-annual-meeting.html

The ABA continues to find ways to be responsive to issues currently affecting the membership. During the meeting, the new ABA president Hilarie Bass announced the launch of a new web-based fact check service. The website: abalegalfactcheck.com, is an effort to help the public seek answers and explanations to legal questions that arise in the news and elsewhere. Current issues on the website include explanations about the laws behind mandatory evacuations, hate speech and presidential pardons.

About the ABA and House of Delegates:

The ABA is the nation’s largest voluntary bar association with over 400,000 members. Under the ABA Constitution, the Multnomah Bar Association, as a local bar association with over 2,000 members, is entitled to one delegate in the House. Oregon currently has eight seats in the house. The House of Delegates consists of 601 people representing state, local, and other bar associations. The House meets twice a year to consider resolutions and adopt policy of the ABA. Local bar associations represented in the HOD are entitled to submit matters for consideration. Resolutions to be considered for the next House of Delegates meeting in 2018 are due by Wednesday, November 15 with informational reports due on Friday, December 1.


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Raise Your Voice and Support Civic Education

by Dana Scheele
MBF President



It's been a tumultuous year. From a contentious election to immigration, national security, the economy and natural disasters, the importance of civic education and engagement is paramount during these uncertain times. Readers of this publication, overall, are engaged in civic education, the makeup of our government and participation in the political process. The challenge is engaging

underrepresented groups and the community at large to embrace the importance of civic education and participate in the process. The Multnomah Bar Foundation (MBF), through the grants it awards to local nonprofits focused on civic education, embraces this challenge.

In 2005, the Multnomah Bar Association launched the MBA's Century of Service 100th Anniversary Community Gift Fund as a way for lawyers to give back to the community and help promote civic education and participation. Exceeding the set goal of \$100,000, the campaign raised over \$235,000. Primarily funded by large Portland-area law firms, the response rate was an

unprecedented 90% with firms paying all pledges, some over multiple years.

After the conclusion of the 100th anniversary campaign, the MBF turned its attention to strategic planning. The MBF clarified its mission - to increase the public's understanding of the legal system and to promote civic education. The first grant was \$25,000 given in 2006 to expand the Classroom Law Project. In 2007, the MBF distributed \$17,000 among five local organizations focused on civic education. Faced with multiple requests for grant dollars from deserving local nonprofits, the MBF focused on increasing its commitment to fundraising and, over the next eight years, stabilized fundraising at \$40,000 to \$50,000 per year. More recently, the MBF has simplified its grant-making process, broadened the number and types of nonprofits applying for grants and developed partnerships and positive working relationships with grant recipients. The MBF is unique in that its board members serve as liaisons to the grant recipients, attending grant-funded programs and activities to observe the work of each nonprofit the MBF sponsors, and ensuring grant funds spent are consistent with the MBF mission.

Programs funded by the MBF benefit community members of all ages and cover a wide variety of topics within the broad purview of civic education. This last year the MBF awarded over \$47,000 in civic education grants. Grant recipients included organizations such as The Bus Project, Elders in Action, League of Women Voters, Oregon Tradeswomen and Sponsors Organized to Assist Refugees. These grant recipients offer varying civic-based services and education. By way of example, Sponsors Organized to Assist Refugees (SOAR) uses MBF grant dollars for its Voter Education Project which includes classes and individual sessions that help newly naturalized citizens understand the voting system, how to register to vote and the value of civic participation. Oregon Tradeswomen uses MBF grant dollars on its TOOLS program, Tradeswomen Organized for Outreach Leadership & Support, providing voter registration, voter education, civic engagement and advocacy at the legislative level so that tradeswomen are included in the civic and legislative process on issues that impact them. More information about grants awarded can be found at www.mbar.org/foundation/grants.html. We also invite you to attend the October 11 MBF Social to learn more about the foundation and meet some of our grant recipients. There is no cost to attend, but space is limited; please RSVP to Pamela Hubbs (pamela@mbar.org).

The MBF is also promoting civic education through its own program development. In 2011, the MBF partnered with MetroEast Community Media and developed and distributed a



series of short videos explaining and promoting the American and Oregon justice systems and voting rights. These videos have been distributed to schools and other organizations. This last year, the MBF launched a public outreach program in collaboration with the judges of Multnomah County. Spearheaded by Judge Nan Waller, Judge Cheryl Albrecht and Susan Marmaduke, the MBF Public Outreach Committee and Multnomah County Circuit Court developed a presentation using the new courthouse as a focal point for a program about procedural justice. The program has been presented to several community groups with rave reviews. The Public Outreach Committee continues to explore partner organizations in Multnomah County interested in the presentation.

Recently, the MBF pledged to expand its reach by doubling its annual fundraising goal to \$100,000 by 2020. The number of qualifying grant requests and amount of money needed by community organizations to promote civic education and civic engagement increases every year - the MBF wants to fund these deserving programs to the greatest extent possible.

The Civic Education Fund campaign kicks off in November with a fun night of karaoke. Mark your calendars and raise your voice to promote civic education and engagement on Thursday, November 2 from 5:30-8 p.m. at Trio Club, 909 E. Burnside. Sponsorships are available. See the insert in this issue or contact Pamela Hubbs (pamela@mbar.org) or Dana Scheele (dana.scheele@cambiahealth.com). Following the karaoke event, we will be calling upon the legal community to donate. Please take a minute to answer our calls, review the programs MBF grant dollars promote and make a commitment to support civic education and engagement.

Given recent events, we cannot sit on the sidelines; we must promote an informed and engaged citizenry. We look forward to partnering with you to ensure that anyone in our community has a chance to raise their voice and participate in the political process.

To make a tax-deductible charitable donation to the MBF Civic Education Fund, contact Pamela Hubbs at 503.222.3275 or visit www.mbar.org/foundation/ and select "Donate to Civic Education Fund" from the left-side menu.

To sponsor or register for the MBF karaoke night, see the insert in this issue.



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Paul Duden Pro Bono Spotlight

by Heather Kemper
Legal Aid Services of Oregon

According to Jill Mallery, Staff Attorney and Pro Bono Coordinator in the Portland Regional Office of LASO, “Paul Duden has been a tremendous volunteer for LASO. He takes difficult cases and spends an incredible amount of time and energy in assisting his clients to get a favorable result. He has shown himself to be dedicated to helping low income clients achieve access to justice.”

Duden’s resume is impressive. He is retired from what was known as the Tooze firm, and is now in the Portland office of Lewis Brisbois. Duden, among other accomplishments, is a Fellow of the American College of Trial Lawyers, a member of the American Board of Trial Advocates, one of the founders of the Oregon Law Related Education Project, and for over 30 years has been a trustee of the Gordon

Foundation, which awards grants to benefit children.

Duden has had pro bono status for the last eleven years. Pro bono status allows Duden to remain an active member of the OSB, but limits his practice of law to pro bono representation. With more than 40 years of trial practice Duden is an invaluable asset to Oregon’s pro bono community.

Martha Hicks, former Assistant Disciplinary Counsel for the OSB, had the opportunity to work with Duden when he volunteered to work on a complex disciplinary case. Hicks described how Duden spent hundreds of hours tracing a lawyer’s trust account transactions in a case that involved numerous dummy corporations and accounts totaling millions of dollars. Hicks explained that Duden’s dedication to the Bar’s disciplinary system and his extraordinary lawyering



Paul Duden

skills led to the accused lawyer’s resignation from the Bar mid-trial. According to Hicks, “I am proud and honored to have worked with Paul. His skill and diligence have served as models for my own practice as disciplinary counsel. In that capacity, I had occasion to work for and against some of the finest of Oregon’s lawyers. Paul ranks at the top of this group and is one of the truly great people I have met. One of my biggest regrets about retiring from my work at the Bar is that I no longer have the opportunity to work with Paul.”

Duden currently serves as a pro bono advocate for LASO. While Duden has worked on cases for the Portland Regional Office of LASO, he also regularly accepts cases listed on the Pro Bono Oregon Listserv. The Pro Bono Oregon Listserv is a weekly email sent to participating pro bono attorneys, listing cases in need of pro bono representation from LASO and the Oregon Law Center. Cases posted on the listserv cover the gamut of civil legal issues and clients live in legal aid service areas throughout the state.

Duden accepts cases throughout Oregon and is attracted to more complex case issues. Duden says he prefers cases that have pending or imminent lawsuits involving abuse of the elderly or other marginalized citizens. Duden’s service to LASO has helped more than a dozen clients and has not only directly affected the lives of the clients, but the entire families involved.

Pro bono service for Duden not only takes the form of direct client representation, but also includes service to nonprofit boards in Oregon. Duden

currently serves as a member of the Board of Oregon Humanities. Duden is a governor’s appointee to the board and since 2009 has served in many capacities, including board chair. Oregon Humanities’ vision is for an “Oregon that invites diverse perspectives, explores challenging questions, and strives for just communities.” The organization achieves their vision through face-to-face conversation projects, college programs for low-income individuals, short films and *Oregon Humanities* magazine, which reaches 14,000 Oregonians.

Oregon Humanities Executive Director Adam Davis praises Duden for his work. “He is a model for what you look for in commitment from a board member. Paul shows up in a visible way, but also in the less visible ways. He’s always there when you need him.” Davis goes on to say that Paul “... always makes other people feel happy to be in the room, even when he is challenging someone. To come into a room and have someone be able to get people smiling is a great quality in a board member.”



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